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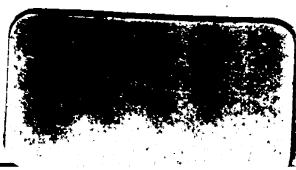
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MAY 4 1915

THIRTY-FIRST ANNUAL REPORT
OF THE
UNITED STATES
CIVIL SERVICE COMMISSION

FOR THE FISCAL YEAR ENDED JUNE 30

1914



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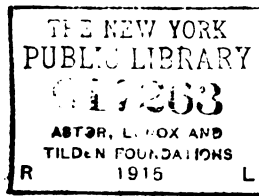


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THIRTY-FIRST ANNUAL REPORT
OF THE
UNITED STATES CIVIL SERVICE COMMISSION.

WASHINGTON, D. C., *November 14, 1914.*

SIR: During the year ended June 30, 1914, the commission has been gratified by the spirit of friendly cooperation on the part of appointing officers in carrying out not merely the letter but the intent of the civil-service act. The scope of the classified service has been diminished by legislation somewhat less than 1 per cent, but the activities of the commission on the whole have been considerably increased. The competitive system has been maintained, wasteful expenditure has been eliminated, useless offices have been abolished, the efficiency of the classified service noticeably improved, and a larger number of positions requiring technical and executive qualifications of a high order have been filled by the promotion of the most capable or by competitive tests.

It is only through the competitive system that an efficient administration of the public service is possible. As a result of the enforcement of the civil-service act a far superior class of employees has been secured, a higher standard of morals and habits within the classified service has been attained, public esteem of official life has been raised, and far more work is being done with fewer employees. There is an increasing application of the competitive system to higher positions and an increasing number of candidates possessing the high degree of ability, education, and training needed in such positions. Competitive tests have been successfully applied to many positions of great importance, with entire satisfaction to the departments concerned. The assurance of a career in the service and of stability of tenure induces persons of ability to seek appointment.

It is a function of the commission to be an employment expert, and in that capacity to study the needs of the various branches of the service, and to submit suggestions for their better administration, not in a spirit of external authority, but in the way of aid and cooperation, relying upon the justice and reason in the conclusions and suggestions submitted. Large corporations are studying their personnel and developing its aptitudes with a view of obtaining the

best services of which its individual members are capable. These corporations employ experts for the purpose of obtaining the highest efficiency, and the public service has even greater need of a central body like the commission which shall be expert in the science of employment and administration.

EXTENT OF THE EXECUTIVE CIVIL SERVICE.

On June 30, 1914, there were 482,721¹ officers and employees in the executive civil service. Of these, 292,460 held positions subject to competitive examination under the civil-service rules, an increase of 9,863 during the year. Of the 190,261 persons whose positions are not subject to competitive examination under the civil-service rules, 10,652 are presidential appointees, 8,650 being postmasters of the first, second, and third classes; 5,042 are clerks in charge of contract postal stations; 73,000 are clerks in third and fourth class post offices; 7,910 are mail messengers; 12,532 are star route, steamboat, and screen wagon contractors; 4,641 are pension examining surgeons; 28,605 are engaged on the Isthmian Canal work, chiefly as laborers and minor employees; 729 are employees of the Department of Commerce, mostly of the Census Bureau; and 26,339 are unclassified laborers not elsewhere herein enumerated, of whom 6,500 are subject to tests of physical fitness under labor regulations. The remaining 20,811 are excepted from examination under Schedule A, or are subject to noncompetitive examination under Schedule B of the civil-service rules, of whom 1,069 are employed in Washington and the others in branches of the field service. Few important positions are excepted from competitive examination under Schedules A and B. Their great variety will be seen by reference to those schedules.

GROWTH OF THE CLASSIFIED SERVICE.

There has been an increase of 9,863 in the number of competitive positions, of which 184 were in post offices advanced to the second class and 5 in post offices consolidated with other offices, effective July 1, 1913, the incumbents of which were classified under section 7 of Rule II.

By action of Congress, the President, or the commission 1,410 positions have been withdrawn from classification, excepted from examination, or authorized to be filled without examination or upon noncompetitive examination, as indicated in the following statement:

¹ These figures are based upon reports furnished by the several departments to the commission, as required by the civil-service rules. Owing to inaccuracies inherent in the gathering of data for a work of this magnitude and to inadvertent omissions by the departments, the figures must be accepted as only approximate.

BY ACT OF CONGRESS.

Under urgent deficiency act, Oct. 22, 1913, authorizing appointments and removals without reference to the civil-service act:	
Deputy collectors of internal revenue.....	1, 145
Deputy United States marshals	176
Under appropriation act for the Military Academy, Mar. 4, 1913, authorizing appointment by the superintendent:	
Clerk-librarian.....	1

BY EXECUTIVE ORDER.

Under Schedule A, excepting positions from competitive examination:	
Private secretary to the Public Printer (July 23, 1913)	1
Special employees employed temporarily for detective work in the Internal-Revenue Service (Aug. 2, 1913)	36
Experts, Interstate Commerce Commission, to be members of an advisory board under the act of Mar. 1, 1913 (Oct. 29, 1913)	2
Director, Interstate Commerce Commission, under act of Mar. 1, 1913 (Oct. 29, 1913)	1
Supervisor of land appraisals, Interstate Commerce Commission, under act of Mar. 1, 1913 (Oct. 29, 1913)	1
Chief accountant, Interstate Commerce Commission, under act of Mar. 1, 1913 (Oct. 29, 1913)	1
Clerk qualified in English and Japanese, Honolulu post office (Subdivision I, sec. 5)	1
Under Schedule B, permitting appointment on noncompetitive examination:	
Junior clerk, office of Indian Affairs, when filled by Indians (Oct. 14, 1913)	2
Inspectors to act as the immediate and confidential representatives of the Commissioner of Indian Affairs (May 13, 1914)	6

BY THE COMMISSION.

Under order of Dec. 1, 1910.....	16
Under paragraph 15, Subdivision I, Schedule A.....	21
Total.....	1, 410

Under the order of December 1, 1910, and under paragraph 15, Subdivision I, of Schedule A, which have been superseded by section 10 of Rule II, appointments to positions of unusual character as to duties or compensation for which qualified persons are so rare that in the judgment of the commission competitive examination would not be possible, are permissible without examination. Full information concerning such appointments appears in the appendix to this report.

INDIVIDUAL EXCEPTIONS FROM EXAMINATION.

During the year various provisions of the civil-service rules were waived by executive order in behalf of 64 persons. These orders

are set forth in full in the appendix, together with the reasons for making them and a statement whether or not the commission concurred in recommending them. Of the persons affected by these orders more than 50 per cent were either in the service or had previously been in the service and had demonstrated their fitness. Twenty-five had previously been employed in the competitive classified service, but were ineligible for reinstatement under the rules, having been out of the service beyond the time limit for reinstatement. In five cases the requirement of examination was waived to permit the promotion of employees, and in three cases the requirement of six months' service following reinstatement and preceding transfer was waived. In addition to the foregoing, two appointments were authorized in unclassified positions of mere laborers without regard to the labor regulations. These waivers constitute a very small percentage of the total number of appointments.

EXAMINATIONS AND APPOINTMENTS.

The fiscal year ended June 30, 1914, has been marked by a great increase in the number of competitors in the examinations. The number examined for entrance to the classified service was 196,612. For the year 1913 the number examined was 140,025, while for 1912 the number was 104,346. The increase over 1913 was 40.4 per cent, while over 1912 it was 88.4 per cent.

The increase in number of original appointments to the classified service has been no less marked. During the past fiscal year 41,206 appointments were made, as compared with 34,515 for 1913 and 20,433 for 1912. This shows an increase in appointments of 19.4 per cent over 1913 and of more than 100 per cent over 1912.

The foregoing figures do not take into account 26,298 persons examined for and 11,635 appointments made to positions of fourth-class postmaster at offices where the incumbent had not been appointed through examination. For this work a separate appropriation was made and the statistics are reported separately and not used in comparative statements. Including appointments to the Philippine service and to positions of mere unskilled laborer, and excluding temporary appointments, 45,005 appointments were made as the result of competitive examination. The number examined and number appointed during the years ended June 30, 1913, and June 30, 1914, were as follows:

	Examined.		Appointed.	
	1914	1913	1914	1913
Under civil-service rules:				
Original entrance—				
Field service.....	183,003	126,999	39,134	32,535
Departmental at Washington, D. C.....	13,609	13,026	2,072	1,980
Total.....	196,612	140,025	41,206	34,515
Promotions, transfers, and reinstatements through examination.....	1,487	1,726	729	639
Total under rules.....	198,099	141,751	41,935	35,154
Not under Federal civil-service act and rules:				
Philippine service.....	585	942	45	133
Under labor regulations.....	9,326	10,828	3,025	3,426
Total.....	208,010	153,521	45,005	38,713
Without further examination:				
Transfers and promotions.....			1,307	996
Reinstatements.....			1,647	1,676
Grand total.....	208,010	153,521	47,959	41,385

¹ These were transfers and promotions requiring certificate of the commission under the rules.

² In addition, and upon appropriate official request, the commission examined 1,169 applicants for admission to the District of Columbia service, the Military and Naval Academies, and the Diplomatic and Consular services.

TEMPORARY APPOINTMENTS.

An increase of 3,936 temporary appointments to competitive classified positions in the entire service occurred during the year. In Washington, however, there was a decrease of 192, about 12 per cent. In the Railway Mail Service there was an increase of 2,896 over the previous year, in the Rural Carrier Service an increase of 629, and in the Ordnance Department at large an increase of 1,704. Increases in the number of temporary appointments in the Railway Mail and Rural Carrier services were due to extensive additions to the service and to the inability of the commission to furnish eligibles promptly, owing to its inadequate force. Increased activities at the various ordnance establishments necessitated a considerable number of temporary appointments, the majority of which continued only for very brief periods. The Public Health Service undertook several extensive investigations into insanitary conditions, and these necessitated an unusually large number of temporary employees, the work not being permanent. A decrease of 1,441, or about 15 per cent, in temporary appointments in the Post Office Department, partly offset these increases in other departments.

Nearly all of the temporary appointments in Washington were made by selection from the commission's registers of eligibles for temporary employment. Outside of Washington the great majority of these appointments were of persons who had not yet passed an examination, but the duration of such appointments was very brief as a rule, continuing only until eligibles were provided. Because of the local system of examination which applies in most of the field services, eligibles can be secured in a relatively short time. Compara-

tively few appointments have continued beyond six months, and these only under unusual circumstances to complete the job of work for which the persons were originally appointed.

LEGISLATION AFFECTING THE CLASSIFIED SERVICE.

Legislation affecting the classified service has been confined during the year to provisions in appropriation acts and in the tariff and currency acts respecting the method of appointing employees.

Under the tariff act of October 3, 1913, appointments of agents, inspectors, deputy collectors, and other employees, not including the clerical force in Washington below the grade of chief of division, employed in the assessment and collection of the income tax, are allowed to be made without reference to the civil-service act and rules "under such rules and regulations as may be fixed by the Secretary of the Treasury to insure faithful and competent service."

In the deficiency appropriation act approved October 22, 1913, collectors of internal revenue and marshals are allowed to appoint bonded deputies without regard to the civil-service act and rules.

Under the currency act of December 23, 1913, the Federal Reserve Board may employ "such attorneys, experts, assistants, clerks, or other employees as is necessary to conduct the business of the board without reference to the civil-service act and regulations," but provided that "nothing herein shall prevent the President from placing said employees in the classified service."

THE DISTRICT SYSTEM.

In the development of the district system it has been the effort of the commission, through its representatives in the field, to secure a more intimate knowledge of the service and by personal contact with appointing officers and employees to bring about a larger measure of cooperation in the application of the competitive system. It is the duty of the district secretary to keep in close touch with conditions in the various offices in his district and to study the needs of the service with respect to personnel in order that the commission may be enabled better to meet those needs. He is expected to be acquainted with the members of the various local boards and, as far as possible, with the personnel of the service in general. He is expected also to familiarize himself with the methods of doing Government business in the offices within his district as well as the conditions of employment outside the Government service so far as they may be comparable with and may affect the personnel of the service.

As personal representatives of the commission a large degree of responsibility rests upon the district secretaries. They must estab-

lish cordial relations with appointing officers and secure their cooperation. Through the reports of the district secretaries the commission is better able to understand the nature of the problems confronting field services and to apply the principles of the competitive system more efficiently to peculiar local conditions and requirements. The problems vary radically in different sections and in different branches of the service, and it is essential that the commission should approach them from an intimate knowledge and a sympathetic point of view.

Some of the field branches are governed by regulations fixing the method of appointment and promotion. These regulations are a constant subject of study and development by the district secretaries and the commission. During the year important amendments were made to the regulations for several of these branches of the service, and a complete revision of the regulations for the Ordnance Department at Large was adopted. These bodies of regulations, while having common principles, are especially adapted to the local needs of the particular branches of the service affected. They are, however, coordinate with the district system and under the supervision of the district secretaries, who are charged with securing uniformity and justice in their operation.

THE POSTAL SERVICE.

Since the establishment of the competitive system the number of positions in the Postal Service subject to competition has tremendously increased. In 1883 only the 23 post offices having 50 or more employees were classified, the total number of employees affected being 5,699. Of the 298,456 positions in the Post Office Department and the Postal Service on June 30, 1914, 189,788 were competitive.

In view of the magnitude of the Postal Service the menace to good administration and efficiency, if used as a partisan instrument, is manifest. The Postmaster General, in his last annual report, said:

The prime consideration in perfecting the personnel of the Postal Service shall be to recognize efficiency and to eliminate partisanship. It is the earnest hope that ultimately all positions will be covered under the classified civil service and that merit and faithfulness will be the sole consideration in making appointments as well as promotions.

* * * * *

The most careful examination has been made of the fitness of all applicants for postmasterships, and appointments have not been made until the department was convinced of the integrity of the appointees selected and of their capacity for efficient service.

It is hoped that by thus maintaining a high standard of efficiency for postmasters and keeping paramount the interest of the Postal Service in making appointments that the way will be made clear for the eventual classification of all presidential postmasters.

* * * * *

The post-office system is essentially a business institution. It touches every home, comes in contact with every commercial institution and with those engaged in every line of industrial enterprise throughout the country, and in the nature of things it is highly important that only the most efficient employees should be in its service. For this reason the merit system should be adhered to in the Post Office Department above all others in order to secure the very highest standard of efficiency in the conduct of its affairs.

FOURTH-CLASS POSTMASTERS.

Under an order issued by President Wilson May 7, 1913, the commission was required to hold competitive examinations for the position of postmaster at about 21,000 fourth-class offices where the compensation is \$180 a year or more and where the incumbent was not appointed as a result of competitive examination or under the regulations of 1909 or 1912.¹

It is believed that as a result of these examinations a superior grade of postmasters has been secured and the efficiency of the service promoted.

RURAL CARRIER SERVICE.

During the year covered by this report no changes have been made in the regulations governing certification and appointment to this branch of the service. Criticism has, however, been made of the certification of eligibles residing outside of the local territory. The first regulations, adopted in 1902, provided for selection of carriers by rural agents of the department and for a very simple examination given by such agents. Owing to frequent charges that the selections made by the agents were controlled by political considerations the regulations were changed in 1904, with the approval of the President, to provide for the conduct of the examinations by the commission. These regulations provided for a separate eligible register for each post office from which a route started, and certification was confined to the one eligible having the highest rating, instead of three as at present, except that preference was given to bonded substitutes. This plan gave the Post Office Department no choice among eligibles where a new route was established, and the preference to substitute enabled the carrier practically to dictate his successor.

An amendment to the regulations in 1911 provided for the certification of three eligibles instead of one and abolished the preference for substitutes. Additional safeguards were also adopted to exclude political considerations in appointments. The examination

¹ The last of these examinations were held in August, 1914, but the rating of the papers of applicants and certifications for appointment will not be completed until about December 15. In offices for which less than three eligibles were obtained and no selection for appointment was made it may be necessary to repeat the examinations. At these offices the commission has for the time being authorized the continuance of the incumbent without giving him a classified status.

was made the same as that for clerks and letter carriers in classified post offices in order to raise the standard of appointees and to facilitate transfers between these classes of positions. The amendment also provided for certification of the highest local eligible and the two highest eligibles from territory served by the post offices in the county. In the opinion of the commission the administration of the regulations as amended has shown the soundness and wisdom of the changes made.

WORK OF THE EFFICIENCY DIVISION.

Under the acts of August 23, 1912, and March 4, 1913, the duty was laid upon the commission of instituting systems of efficiency ratings for the personnel of the service and also of investigating and reporting to the President, with its recommendations as to administrative needs of the service relating to personnel.

An efficiency division was accordingly organized, and the work has been vigorously carried on during the year. At the outset it became clear that any system of efficiency ratings for the personnel of a given office would be of little value if subsequent investigation of the administrative methods of the office disclosed the advisability of changing those methods. An efficiency rating of the personnel based upon the employees' relative efficiency under the old methods would not in all probability show their relative efficiency under the new. Moreover, time must be given the employees, after the new methods have been introduced, to become adjusted to the changed condition before any system of efficiency ratings can fairly be applied to them.

Any attempt to devise systems of efficiency ratings for the personnel of the service was therefore postponed for the time being and the attention of the commission's experts was directed to the problem of the administrative needs of the service. Gratifying progress has been made in this line of investigation, resulting in large and permanent savings to the Government. The fact should be emphasized that any change in methods of administration which reduces expenditures is a continuing benefit, the results accumulating as the years go on.

In conjunction with certain of the departments a study has been made of departmental methods with the objects of eliminating useless red tape and duplication of work, simplifying methods wherever possible, and introducing labor-saving machines and devices.

Progress in the adoption of new methods is necessarily slow. It is often difficult to overcome aversion to radical changes in system. Some of the changes are necessarily experimental and take much time and labor to insure the nearest approach to the desired results. The information and experience thus scientifically and systematically acquired are, however, of great value and are available for all offices

of the Government at much less expense than would be incurred by investigations undertaken independently.

PANAMA CANAL SERVICE.

The only classes of employees in the Panama Canal Service upon the Isthmus of Panama to which examinations have been applied under the civil-service rules are clerks, bookkeepers, stenographers, typewriters, surgeons, physicians, trained nurses, and draftsmen. Artisans, engineers, and others have been appointed by the Panama Canal authorities upon a system of their own. With the completion of the canal a permanent organization has been effected, and it is possible to utilize in the classified service in the United States the services of some of these trained and experienced men whose ability and good conduct have been demonstrated on the Panama canal. Most of these men have been tried out under conditions which demanded the best class of service that could be rendered. A method has been adopted under which a rating in conduct and workmanship is considered, and only those are eligible for transfer who have received satisfactory ratings and who are recommended for transfer by the Panama Canal authorities. It seems desirable that men who have been long absent from the United States and out of touch with commercial life here should be aided in securing employment, and the Government will gain in being able to avail itself of their services.

PHILIPPINE SERVICE.

In the Philippines retrenchment necessitated by a decrease in the revenues of the Insular Government resulted in a considerable reduction of force, accomplished in the main by leaving vacant the positions of those who voluntarily resigned. In pursuance of the policy to increase gradually the proportion of Filipinos in the service, this reduction in force was confined principally to positions held by Americans. Employees appointed in the United States under contract for a term of years who were dropped on account of reduction in force before the expiration of their contract period or who desired to be released therefrom were given all the allowances to which they would have been entitled had they completed three years' service. Every effort was made to place elsewhere those who had to be dropped. Many were transferred to positions in the Federal service in the islands or to positions in the United States. The transfer rule, which required a minimum period of three years of service in the Philippines prior to transfer to the Federal service, was amended to give the commission power to authorize the transfer of those who have served two years therein and who have been separated by necessary reduction in force or by displacement by a Filipino, if espe-

cially recommended by the War Department because of efficiency and good character.

The proportion of Filipinos in the service has steadily increased from 48 per cent in 1902, the year after civil government was established, to 89 per cent. Stenographers were formerly appointed from the United States in large numbers, but the director of civil service in his fourteenth report states that with rare exceptions it will hereafter be possible to fill all stenographic positions in the islands by the appointment of Filipinos.

POLITICAL ACTIVITY.

The civil-service rules provide that—

Persons who, by the provisions of these rules, are in the competitive classified service, while retaining the right to vote as they please and to express privately their opinions upon all political subjects, shall take no active part in political management or in political campaigns.

The effect of this provision of the rule is to charge the commission with the duty of securing the enforcement of the restrictions so far as they apply to persons in the competitive service, and to give the commission the same authority to investigate infractions of them that it has with respect to other provisions of the civil-service law and rules. The result has been an impartial application of the restrictions and a better enforcement, more uniform punishments, and a marked diminution of political activity on the part of competitive employees.

By agreement with heads of departments unclassified laborers have been treated as subject to the same restrictions imposed on classified employees.

Under this provision of the rules administrative punishment has been imposed during the past year upon violators of the law or rules as follows: Removal or other involuntary separation, 24; reduction, 3; suspension without pay, 5; reprimand, admonition, or warning, 27. Reports of these cases may be found in the appendix.

By executive order certain restrictions have been placed upon the political activity of officers appointed by the President. The enforcement of these restrictions has been left to the heads of departments. On July 2, 1913, however, the Postmaster General, in transmitting to the commission the report of two post-office inspectors recommending the removal for pernicious political activity of a postmaster at an office of the first class, and requesting any suggestions which the commission might see fit to give, said:

It is my intention in all cases where offensive partisanship is the sole reason upon which the recommendation for removal is based to refer the same to you for suggestion.

The commission has carefully considered 24 of such cases. In a number of them, where the report of the inspectors was not of sufficient detail to warrant the commission in reaching a decision, it was ordered that an independent investigation by a member of its own force be made. In each of 6 cases the postmaster was removed in accordance with its recommendation. In the other 18 cases the commission was of the opinion that the evidence of violation of the restrictions was insufficient to warrant it in recommending removal, and so reported to the department, which accepted its findings save in 1 case.

The commission believes that the time has now come when uniform and definite restrictions should be placed upon the political activity of unclassified officers and that a civil-service rule to this effect should be promulgated in accordance with its recommendations made in the Thirtieth Report. Such forms of political activity as have been shown by experience to be productive of public scandal or neglect of duty should be defined and effectively prohibited.

The commission has no real power in securing the imposition of penalties for political activity determined by it as appropriate to the offense committed except in the case of rural carriers and fourth-class postmasters. With reference to these employees executive orders and regulations require that any such employee taking an active part in politics "shall be removed from the service or otherwise disciplined, recommendation as to the penalty to be imposed in each case to be made by the Civil Service Commission." The commission is of the opinion that its ruling in all such matters should be final, subject only to review by the President, since it is only by a central body that the enforcement of the law and rules and the imposition of penalties for their violation may be made uniform and impartial.

JURISDICTION OF THE COMMISSION.

There is widespread misapprehension in the public mind as to the limits of the commission's authority and jurisdiction under the law and rules in the matter of appointments, transfers, and promotions. For this reason it seems appropriate to set forth briefly the limitations of the commission's jurisdiction in such matters.

APPOINTMENTS.

The commission makes no appointments except in its own force. All appointments to positions in the competitive service are made by the head of the department or independent establishment in which the vacancy occurs upon the certification by the commission of the names of persons entitled by their standing on the appropriate eligible register to be given consideration for appointment.

TRANSFERS.

Neither does the commission initiate transfers. The commission can only act after receipt of request for its authority for a transfer, and then only upon the question of the eligibility for transfer of the person nominated.

PROMOTIONS.

Until a system of efficiency ratings is established in a department or office under the provisions of the act of August 23, 1912, the commission has no authority to initiate action looking to the promotion or increase of compensation of any employee except those on its own force; it can act only after receipt of request for authority for promotion upon the question of the eligibility of the person nominated. The commission has no jurisdiction to investigate alleged discrimination in the matter of promotion in a department or office in which a system of efficiency ratings has not been established under the act referred to unless it is alleged that such discrimination was based upon political or religious considerations.

OPINIONS OF THE ATTORNEY GENERAL.

REQUIREMENT OF EXAMINATION IN STATE OF RESIDENCE OF APPLICANTS
FOR NONASSEMBLED EXAMINATIONS.

An act of Congress of July 2, 1909, requires that examinations shall be had in the State or Territory in which the applicant resides, and that no person shall be eligible for examination or for appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to the examination.

One of the two forms of examination used by the commission requires the assembling of competitors in examination rooms for the purpose of answering questions on scholastic or other subjects relating to the duties of the positions to be filled.

The other form of examination, adopted for the higher technical positions and for testing trade qualifications, does not necessitate the assembling of the competitors for the purpose of undergoing any of the tests. This form consists of an inquiry into the applicant's history, education, experience, and where necessary his physical condition. In addition to information on these subjects, the competitor is sometimes called upon to furnish a thesis upon a subject connected with the duties of the position for which the examination is held or copies of original published works. The evidence furnished by the applicant respecting his qualifications is supplemented by corroborative evidence obtained directly by the commission from vouchers, and upon this data his rating is made.

Since the act of Congress referred to, applicants for the apportioned service have been required in the assembled examinations to appear at designated places and take the examinations in their respective States, but in the case of nonassembled examinations, competitors have only been required to show that they have been actually domiciled in the State for at least one year previous to the examination, and where a competitor was temporarily absent from the State at the time of filing his application he has not been required to return to the State for the purpose of either filling out his application and making oath to it or furnishing other data or information required in connection with his examination. On this point the Attorney General, in an opinion of July 22, 1913, held that the meaning of the statute in question is not entirely clear, the ambiguity arising from the fact that while it refers to all examinations of applicants it proceeds to say that they shall be had in the State in which an applicant resides.

Nonassembled examinations are not had—that is, held—at any particular place. The Attorney General concludes that it would seem, from the use of the word “had,” that Congress had in mind the examinations referred to in section 3 of the civil-service act, but that in view of the practical construction which has been placed upon the statute for some years by the commission, which is charged with its administration, he does not feel warranted in holding the construction incorrect.

AUTHORITY OF THE COMMISSION TO ASSIGN LOCAL EXAMINERS.

The civil-service act provides for the selection of members of boards of examiners to perform such duties as the commission may direct in connection with the execution of the act and rules, and that in the performance of such duties they shall be under the direct and sole control of the commission. A question having arisen respecting the authority of the commission to assign an examiner to duty away from his headquarters, the Attorney General under date of June 13, 1914, held that the commission had authority to assign the examiner to such appropriate duties as it might find necessary in connection with the execution of the act and rules, and that such assignment may be for duty at his headquarters or temporarily away from his headquarters, subject to the proviso that the phraseology of section 3 of the civil-service act does not seem to contemplate the assigning of an examiner to duty outside the State or Territory in which he resides.

RETIREMENT.

In the establishment of improved administrative methods serious difficulty has been found in dealing with superannuated employees. The improvement of methods and the proper adjustment of pay can

not be effectively provided for until a retirement system is established which will make provision for this class of employees.

The commission believes that a contributory plan is the only just and practicable one for the retirement of employees, and earnestly recommends its adoption at an early date.

SERVICE RECORDS.

The commission maintains a service history of employees in the classified service as a check upon irregular or illegal appointments. The Census Office publishes once in two years the Official Register, which is a directory or finding list of names of officers and employees, with their positions, salaries, and States from which appointed. The register, however, being arranged alphabetically, is of little value for statistical or comparative purposes and is quickly out of date. The service records, on the other hand, being kept up to date on the card system, are far more valuable and useful. Several bills have been introduced in Congress to avoid this duplication, to provide at less expense for one uniform and complete card record of the entire executive civil branch of the service to be kept by the commission, from which reliable statistics and current information might be readily obtained. This record may be supplemented by a volume issued annually containing only the names of the more important officials, and general information respecting the personnel. This plan is approved by the Department of Commerce, which publishes the Official Register, and is heartily approved and recommended by the commission. (For details of this plan see pp. 169-171, Thirtieth Report.)

NEEDS OF THE COMMISSION.

CLERKS AND EXAMINERS.

For several years the increase in number of clerks and examiners in the commission's Washington office has not kept pace with the increase in the number of persons required to be examined. It is true that for each of the last three years Congress has increased this force, but the increase has not been large enough to take care of the increase of work. The result is that the examining work has been greatly in arrears, and especially so during the past year. In an endeavor to catch up with the work all of the force was required to work at least one hour overtime for several months. In addition several thousand examination papers were rated in the New York office, where it was found possible to obtain the detail for this purpose of a number of employees of the Post Office Service. Had it not been for these expedients the work would probably have been so

far in arrears at this time as to preclude the possibility of bringing it up to date until some time after an increase in force could be obtained through Congress. Labor-saving methods and devices have been put into operation to reduce the amount of work to be done on each set of papers without affecting the accuracy of the result. However, all of the efforts to keep the work current have been without avail, because it has come in faster than the present force has been able to take care of it. The following statement, it is believed, will show why the recent increases in the force have not been adequate to take care of the increases in the work:

During the fiscal year 1912 the number of clerks and examiners in the commission's Washington office was 151. The number of persons examined for the classified service that year was 106,078.

For the fiscal year 1913 Congress made an increase of .1 in the force of clerks and examiners; during that year 141,905 persons were examined for the classified service, an increase of 33.7 per cent.

For 1914 Congress increased the force by 12, making the total number 164, or 8.6 per cent greater than in 1912; but the number examined was 198,099, an increase of 39.6 per cent over 1913, and an increase of 86.7 per cent over 1912. This increase does not, of course, take into account the number examined for fourth-class postmaster at offices where the incumbent had not been appointed through examination, separate appropriation having been made for this job of work.

For the current fiscal year (1915) an increase of 10 has been made in the force, or 6.1 per cent, making the total number of clerks and examiners now employed in the commission's office 174.

For the fiscal year 1916 the commission has estimated for an increase of 35 clerks, or 20.1 per cent increase.

To state the matter in another way: The number of persons examined in a year is a fair indication of the volume of work devolving upon the commission's force. The increase in number of competitors in 1913 per capita of clerks and examiners was 32.9 per cent over the year 1912; in 1914, when there had been an increase in the force, the per capita volume of work increased still further, being 72 per cent greater than in 1912. In 1915 there is an increase of 10 in the number of clerks and examiners over 1914, but if the volume of work for the year 1915 is no greater than it was in 1914 the amount per capita to be done will be 62 per cent greater than in 1912. If Congress should grant the commission the 35 additional clerks and examiners as estimated for 1916, and if the number of persons examined is not greater than in 1914, the per capita volume of work will still be more than 35 per cent greater than it was in 1912.

The commission does not hold any examination until the needs of the service so require. Consequently, when there is undue delay

in obtaining the results of the examination the service is affected detrimentally.

PRINTING AND BINDING.

An estimate of \$60,000 has been submitted for printing and binding for the fiscal year 1916. This estimate is based upon the actual needs of the commission, as shown by expenditures during the fiscal years 1914 and 1915. The appropriation for 1914 was \$45,000, and subsequently a deficiency appropriation of \$8,000 was secured, making the total for the year \$53,000. This amount was not sufficient to meet the commission's needs, and printing to the amount of \$4,987 which should have been completed during that year was carried over and charged against the fiscal year 1915. The appropriation for the fiscal year 1915 was \$45,000. Prior to November 1 requisitions had been drawn amounting to \$20,985.26, while \$1,489.81 had been reserved for the printing of examination questions and announcements, leaving only \$115.93 available for the general printing of the commission to January 1, 1915. A deficiency appropriation of \$15,128.42 has been requested of Congress for the balance of the fiscal year. This amount is based upon the expenditures for the corresponding period of the last fiscal year, making the estimated expenditures for the year \$60,128.42. During the fiscal year 1910 the commission's appropriation for printing and binding was \$35,000. In 1911, 1912, and 1913 it was \$40,000. The appropriation for 1914 was \$45,000, with the subsequent addition of a deficiency appropriation of \$8,000, making a total of \$53,000. The commission requested an appropriation of \$55,000 for the fiscal year 1915, but was granted only \$45,000.

The insufficiency of the appropriations has caused a growing deficit from year to year, thereby hampering each year's appropriation by charges for work which should have been done in the previous year but which could not be done on account of lack of appropriation. The necessity for an increased appropriation is found in the expansion of the classified service and the increased number of applicants for examinations. The utmost care has been exercised to limit printing to the actual needs of the service, and wherever possible the flexotype has been used, thereby saving the cost of printing. The number of applications during the fiscal year 1914 increased more than 80 per cent over the number received during the fiscal year 1912, but the commission's appropriation increased only 32.5 per cent, and the increase of appropriation requested is only 50 per cent greater than the appropriation of 1912.

TRAVELING EXPENSES.

An estimate of \$20,000 has been submitted for travel for 1916. The appropriation for 1914 was \$12,000. Later a deficiency appro-

priation of \$7,500 was secured, making a total for the year of \$19,500. The appropriation for 1915 is \$12,000. The amount asked for next year is \$8,000 more than is available for the current year (1915), but only \$500 more than the amount available for 1914, including the deficiency appropriation. It will probably be necessary for the commission to ask Congress for a deficiency appropriation this year. The expenses for travel have greatly increased during the past few years, due largely to the necessity of holding examinations for rural carriers and fourth-class postmasters on the occurrence of vacancies. With the appropriation available it has been necessary frequently to have rural-carrier examinations conducted by fourth-class postmasters instead of by representatives of the commission, and where the commission's boards of examiners have conducted examinations it has often been necessary for the competitors to travel considerable distances to the places designated. Much investigation which would have been of advantage has necessarily been omitted owing to inadequate appropriation.

STATIONERY.

An estimate of \$9,000 has been submitted for stationery for 1916. The appropriation for 1914 was \$5,500, to which a deficiency appropriation of \$1,000 was added, making the total for the year \$6,500. The appropriation for 1915 is \$6,500, being an increase of \$1,000. This increase was the first the commission had been granted since 1906.

The appropriation in 1906 was \$5,000; in 1914, including the deficiency appropriation, it was \$6,500. The increase in number examined in 1914 over the number examined in 1906 was more than 100 per cent, while the increase in appropriation during that period was only 30 per cent, and the amount requested for 1916 is an increase of only 80 per cent over the 1906 appropriation.

We have the honor to be, very respectfully,

JOHN A. McILHENNY,

CHAS. M. GALLOWAY,

HERMON W. CRAVEN,

Commissioners.

The PRESIDENT,

The White House.

REPORT OF THE CHIEF EXAMINER.

OCTOBER 10, 1914.

The Commission:

The following report is respectfully submitted of the work done under the supervision of the chief examiner during the fiscal year ended June 30, 1914:

The following table shows the number of persons examined and appointed during the year:

Examinations.	Examined.	Appointed.
For entrance:		
Educational.....	164,786	22,627
Noneducational.....	31,826	18,543
Total for entrance.....	196,612	41,170
For promotion, transfer, or reinstatement.....	1,457	729
Total.....	198,069	41,899

¹ In addition to these, 26,298 persons were examined and 3,515 appointed during the fiscal year, under the Executive order of May 7, 1913, requiring competitive examinations for the fourth-class post offices at which the incumbents had not been appointed under the regulations. For this work a special appropriation was authorized by Congress.

In addition to the foregoing, certain examinations were held for services not in the classified service of the United States, with the following results:

Examinations.	Examined.	Appointed.
Philippine service.....	585	45
Unskilled laborer.....	9,326	3,025
District of Columbia.....	80	.....
Designation to Military Academy.....	140	(1)
Designation to Naval Academy.....	87	(1)
Entrance to Naval Academy.....	680	.....

¹ Report showing the results of the examinations of all persons examined for designation as cadet or midshipman is made to the Representative in Congress for whom such examination is held.

There were 364 different kinds of educational examinations held according to title or kind of position. The noneducational type of examination was given for a large number of different kinds of mechanical trades positions, but the form of examination being the same for each kind of position, the number of different titles is omitted from this report.

As compared with the year 1913 there was an increase of 56,194, or over 39 per cent, in the number examined for the classified service. Compared with the number examined in 1912 there was an increase of over 87 per cent. In addition to this increase in the regular current work of the commission, 26,298 persons were examined for fourth-class postmaster under the Executive order of May 7, 1913, as herein shown; and, including this work, there was an increase during the past fiscal year in the number examined of over 58 per cent as compared with the year 1913 and of over 111 per cent as compared with the year 1912.

The number examined for professional, scientific, and technical positions during the past year was 24,995, as compared with 7,269 for 1913, an increase of about 244 per cent. The work connected with each of the examinations in this class is much greater than for one of the clerical or subclerical examinations.

For the valuation work of the Interstate Commerce Commission 22 different kinds of examinations were held, in which 14,050 persons competed. Most of these examinations were for technical positions of the highest grade. At the close of the fiscal year 1913, as stated in last year's report, preparations were being made to hold these examinations, many of them of the nonassembled type. As it was then planned, the confidential inquiries in connection with the examinations were made most thorough and the rating was done in a most careful and systematic manner. Expert examiners were employed to assist the commission in the rating, and some of the most eminent authorities of the country in the various lines of engineering were found to be available as expert examiners. That the expense of these examinations was a good investment for the Government is shown by the statement in the report of the Interstate Commerce Commission under date of December 15, 1913, to the effect that it is satisfied that the engineering and accounting force will prove to be more efficient than would have been obtained if the positions had been excepted from civil-service examination.

Figures showing the number who passed the examinations during the past fiscal year are not available, because at the date of this report there remain unrated several thousand sets of papers of examinations held during the year. In former years it has been customary to await the rating of all papers of examinations held during the fiscal year before compiling the statistics. The requirement of law to the effect that such matter be in the hands of the printer not later than October 15 necessitated a change in practice.

EXAMINATIONS FOR FOURTH-CLASS POSTMASTER.

Reference was made in last year's report to the Executive order of May 7, 1913, requiring that the commission hold competitive examinations for fourth-class postmaster for all offices where the compensation is \$180 a year or more and where the incumbent was not appointed as a result of open competitive examination or under the regulations of January 20, 1909, or of November 25, 1912.

No appropriation to cover the additional expense necessary to enable the commission to do this work was provided until October 22, 1913, when the urgent deficiency appropriation act carried an appropriation of \$39,000 for this purpose, available until June 30, 1914. Additional appropriation of \$11,190 and the unexpended balance remaining from the \$39,000 previously appropriated was made in the legislative, executive, and judicial appropriation act approved July 16, 1914, for the completion of the work.

Some time was required to perfect the preliminary arrangements for holding the examinations, and the first examinations were not held until January, 1914. Beginning with January, examinations have been held for from four to seven States each month. In all, there were 21,536 offices for which examinations were required to be held by the commission under the terms of the order. The last examinations were held in August, 1914. The number examined was 33,630, of which number 26,298 were examined prior to July 1, 1914. Statistics of the number who passed are not available at this time, there being a number of examination papers which have not yet been rated. In order to accommodate all applicants, the examinations were held at nearly 3,400 places throughout the country.

For offices for which the compensation is less than \$180 per annum the Post Office Department reported the appointment during the fiscal year of 8,120 postmasters under the Executive order of May 7, 1913, after examination and report of post-office inspectors, under section 2 of the regulations.

Complaints of the unfitness of 589 applicants were investigated, of which number 526 were investigated by correspondence and 63 by personal visits of traveling examiners and members of local boards. In 155 cases the charges were sustained, while in 307 cases they were not sustained. In 117 cases the investigations are still pending. The remaining 10 cases were referred to the Post Office Department, the complaints having been received after certification had been made from the eligible register.

On August 25, 1913, a change was made in the examination for fourth-class postmaster, whereby the subject of facilities for transacting postal business, which had a weight of 30 per cent of the examination, was omitted as a subject of competition to be given a percentage rating. The weight of the subject was divided equally between arithmetic and accounts, letter writing, and copying manuscript addresses. The subject of facilities for transacting postal business was eliminated from the examination because it was found to be very difficult to rate it as a competitive element. Instead of making it a subject of competition in the examination proper, each applicant is now required to submit a statement of the facilities offered for transacting the business of the office, as was done when this subject was a part of the examination, so that the information will be available for the consideration of the department in making selection from a certification of eligibles.

DEBARMENT FROM EXAMINATIONS.

Under the provisions of civil-service Rule V the commission is authorized to refuse to examine an applicant or to certify an eligible who is shown to be unfit morally, or who attempts to deceive the commission in matters connected with examination, registration, or appointment. It has been the practice of the commission for some years, under the authority of this rule, to bar from examinations until further notice a person who makes false statements in his application or otherwise attempts to deceive or defraud the Government in regard to his examination or his right to be appointed under the civil-service law and rules. After the expiration of three years, the commission has in some cases removed the bar to examination when the applicant has shown complete reformation.

During this report year the applications of 370 persons were canceled and they were debarred from future examinations, an increase of 79 over the previous year. Of this number, 221 applicants were debarred for making false statements in their applications; in 136 cases the false statements related to the age, height, or weight of the applicant, and in the remaining 85 cases of false statements, the attempted deception related to previous experience, use of intoxicants or drugs, former service and removal, arrest, etc. For using helps in examinations 15 persons were debarred, and 36 were excluded for practicing collusion with other competitors, while 12 were detected copying from the work of other competitors. For attempting to traffic in appointments, 14 persons were debarred from examinations; 11 were debarred for attempted bribery, and 11 others because of embezzlement or other criminal record. For impersonation or attempted impersonation in examinations, 14 persons were debarred. Because of other attempted frauds or for manifest unfitness involving moral turpitude, 6 persons were debarred.

During the year a series of impersonations in examinations held at New Albany, Ind., was discovered. It appeared, on investigation, that in examinations held at New Albany on February 1, 1913, August 16, 1913, and February 7, 1914, several impersonations occurred. In the examination of February 1, 1913, Claude Armstrong, a railway-mail clerk, whose home was at Shoals, Ind., impersonated Otto Carothers, also of Shoals, son of John C. Carothers, deputy collector of internal revenue at New Albany, Ind. Armstrong claimed that he committed the impersonation at the request of John C. Carothers. In the same examination William D. Sherfick, clerk of Martin County, impersonated Brettie Gwin, brother of Fabius Gwin, an attorney of Shoals. When the papers of Sherfick's examination were rated it appeared that there had been collusion in the examination between him and Miss Elizabeth Terbeck, an employee of Fabius Gwin, and when Brettie Gwin was called upon to furnish an affidavit in regard to the apparent collusion Sherfick made the affidavit in the name of Brettie Gwin and the affidavit was executed before Fabius Gwin as that of Brettie

Gwin. Miss Terbeck stated in her affidavit, which also was executed before Fabius Gwin, that she knew no one in the examination except Brettie Gwin and Otto Carothers, showing that she was aware that these men were being impersonated by Sherfick and Armstrong. It appeared further that Fabius Gwin executed the oath to the application filed in the name of Otto Carothers, although the application was not filled out or signed by Carothers.

On August 16, 1913, Harvey E. Guthrie, a school teacher of Mitchell, Ind., impersonated Ambrose Strange, of Shoals, and J. W. Jackman, editor of a paper at that place, impersonated William J. Strange, also of Shoals. It appeared that John C. Carothers aided and abetted these impersonations. In the same examination, at the request of John C. Carothers, Claude Armstrong again impersonated Otto Carothers.

On February 7, 1914, Harvey E. Guthrie impersonated Samuel Renneker, a rural carrier of Shoals, having been induced to do so by John C. Carothers and Ambrose Strange.

In May, 1914, all of the persons who participated in the impersonations were indicted, as were also John C. Carothers and Fabius Gwin. Ten of the 11 persons indicted were arraigned and pleaded guilty on May 29, 1914. John C. Carothers, Sherfick, and Guthrie were each fined \$300; Brettie Gwin, Ambrose Strange, and Armstrong were fined \$250 each; William J. Strange, Jackman, and Renneker were fined \$200 each, and Otto Carothers was fined \$100. Fabius Gwin pleaded not guilty, but has not yet been brought to trial. On presentation of the facts to the Treasury Department, John C. Carothers was removed from the position of deputy collector of internal revenue. The Post Office Department also removed Armstrong from the position of railway-mail clerk and Renneker from the position of rural carrier because of their participation in the frauds.

The local secretary of the board of examiners at New Albany was shown to be grossly careless and negligent in the conduct of examinations there, and the commission therefore removed him from the board and recommended to the department his removal from the service. The department reduced him in salary.

Another wholesale attempt to deceive the commission occurred in Chicago, where a large number of former students of one of the high schools who were below the minimum age limit for the post-office examination filed applications for that examination, in which they attempted to deceive the commission as to their correct ages.

THE IDENTIFICATION OF COMPETITORS BY PHOTOGRAPHS.

In order to protect the Government against fraud and to preserve the rights of all competitors, it is necessary that any person about to be appointed shall be identified beyond doubt as the person who was examined. The plan followed heretofore to identify appointees is to require competitors in examinations to answer personal questions similar to those asked in their applications, such as the place and date of birth, the highest salary received in any employment, their height and weight, and the names of their vouchers on the application, and at the time of appointment the person who presents himself is required to answer the same questions and some others as to the questions asked him at the time of examination. This plan has been supplemented by a brief description of each competitor, noted by the examiner at the time of examination, which, however, must necessarily be confined to a few elements, such as the apparent age, height, and weight of the competitor, and the color of his hair and eyes. The well-known means of identification by signature is also employed.

The declaration of appointee, filled out at the time of reporting for duty in the presence of an officer designated for the purpose in the department or office in which the appointee is to serve, is subsequently forwarded to the commission, where it is compared with the examination papers of the competitor carefully, with a view to detecting any impersonation fraud.

By the plan as outlined numerous attempts at impersonation and other forms of fraud and deception have been discovered. Guilty persons have been punished by removal, and, when penal statutes have been violated, their offenses have been brought to the attention of the Department of Justice for prosecution.

It is not possible, however, under this plan, to detect attempts at impersonation in all cases at the time the appointee reports for duty, for the reason that a considerable period of time may elapse between the actual selection of the appointee from a certificate issued by the commission and the date he reports for duty; consequently his examination papers are not in the possession of the officer before whom the declaration of appointee is made, but have been returned to the commission with the report of selection, and the actual identification can not be completed until the commission has had an opportunity to compare the declaration of appointee with the answers to the personal questions in the application and the examination papers. For the reasons stated, it has happened that persons not entitled to be appointed have been sworn in and have actually served for short periods before their deceit or fraud has been discovered. The departments have, of course, promptly removed persons who have fraudulently secured appointment, upon report of the facts by the commission; but it has been felt for some time that a system should be put in operation whereby it would be impossible for an individual to impose on the Government by securing employment by fraudulent means, even for a short period of time before discovery and punishment.

From the beginning of the examinations for the Philippine and Panama Canal services each competitor has been required to present to the examiner at the time of examination a photograph of himself taken within two years, as a means of identification. This, of course, is a positive identification of the competitor, and when the photograph is compared with the face of the person who reports for duty, there can be no question of impersonation. In the case of appointments to these services beyond the seas it was absolutely necessary that positive identification should take place before the appointees sailed, at the expense of the Government, for their places of employment. The requirement was later extended to examinations for the Indian Service and for guard in United States penitentiaries.

The extension of the use of photographs for identification of competitors to all examinations of the commission involved a large amount of additional work for the commission, in the handling of applications and in the proper filing of the photographs with the examination papers. It also involved a slight additional expense to each applicant. Therefore, although the commission has for years recognized the advantages of the use of photographs for identification, as shown by their use for some services, the extension of the plan to all examinations has been withheld until the present time. By action of May 27, 1914, the use of photographs for identification of competitors was extended to all examinations. This was done after the question had been submitted to all departments and independent offices and had received their unqualified and unanimous approval.

DISTRIBUTION OF EXAMINATION DATES FOR FIELD SERVICE.

For several years the examinations for the largest post offices have been held annually in November and the first grade, or clerical, examinations for other parts of the field service have been held in February of each year. To relieve the congestion resulting from holding these examinations for the entire country at the same time, a change has been made whereby they will be held on different dates in the different civil service districts.

The new schedule provides that in February the first grade examination be held in the sixth, ninth, eleventh, and twelfth districts; in March the first grade examination in the first, third, fourth, and tenth districts; in April the post-office exam-

inations in the ninth and twelfth districts; in May the post-office examinations in the second and fifth districts and Chicago of the seventh district; in September the post-office examinations in the fourth, eighth, and eleventh districts; in October the post-office examinations in the first, third, sixth, and seventh (except Chicago) districts; and in November the first-grade examination in the second, fifth, seventh, and eighth districts.

CLOSING DATE FOR RECEIPT OF APPLICATIONS.

It was the practice of the commission for many years to fix a date for the close of receipt of applications for each assembled examination, usually 10 days prior to the date of the examination. The object was to allow time to make necessary arrangements for holding the examination—securing quarters and printing and shipping the examination questions. In the early years of the commission's history an application was required to be filed in complete form before the closing date, showing that the applicant possessed the prescribed qualifications for admission to the examination. Numerous appeals and complaints were received from persons who, on account of unavoidable delays, were unable to complete and file their applications within the time limit, and the commission established the practice of admitting to examination any person who filed an application within the time limit containing statements under oath required to be made by the applicant only, allowing him to complete the application after the examination. Admission to the examination under these circumstances is conditioned upon completion of the application and upon it appearing from the completed application that the applicant meets the requirements preliminary to examination.

An arbitrary time limit remained, however, on the receipt of applications, though they were permitted to be filed before final completion. It was found that even this requirement resulted in keeping out of some examinations many apparently well qualified applicants, and it was felt that it would be in the interest of the service to waive the time limit for filing applications for examinations in which competition was limited. In such examinations the experiment was tried of admitting any person who filed application containing his own sworn statement, provided it was received at the office of the commission in sufficient time to send the papers to the place of examination before the actual day of the examination. So little difficulty was experienced under this plan of procedure that it was decided to abolish the time limit on the receipt of applications for all assembled examinations except for the field service, for which applications are received at the district offices.

A time limit on the receipt of applications for the field service was continued until January 5, 1914, when for these examinations also the time limit was abolished.

SAFEGUARDING THE FAIRNESS OF EXAMINATIONS.

Running through the organization of the commission and through the system provided for handling its work are precautions designed to protect the fairness and integrity of the examinations. The questions for assembled examinations are prepared by the examiners in Washington, the utmost care being taken to see that their confidential character is preserved during the course of their preparation and printing. The original of any set of questions bears the initials of the examiner or examiners who prepared it. Only one copy is allowed to be made, no copies or notes of the question being allowed to be retained by the examiners who prepare them.

The examination question room, where unused printed questions are kept, is accessible only to the clerks employed there and to the supervising officers. The application division advises the clerk in charge of the question room of the number of applicants for whom papers must be shipped to each place of examination, and shipments are made accordingly, in securely sealed packages, to the local secretaries of the boards

of examiners. The seals are not broken until the competitors are assembled; and then only in their presence. An invoice of the papers shipped is inclosed in the package, and the local examiners are required to account for each paper shipped, both used and unused papers to be returned under seal, by registered mail, to the commission immediately after the close of the examination.

The first paper given to a competitor in an examination is known as the "declaration sheet," and this is the only paper of his examination on which he signs his name. The declaration sheet is, in other words, a sheet of identification. It bears at its top a printed number, which is to be used by the competitor in place of his name on all other sheets of his examination. Before any of the actual examination is given to the competitor he must fill out and sign the declaration sheet, placing his examination number on a sheet of general instructions, or preliminary sheet, which he retains until the examination is completed. As soon as all the competitors have filled out the declaration sheets these sheets are collected, placed in an envelope, and sealed, there to remain until the papers of all the competitors have been rated. Competitors are invited to remain and see the papers wrapped and sealed for return to the commission.

When the returned papers are received at the commission's office, they are sent direct to the examination question room, where they are opened and the invoice checked. Unused questions are returned to the proper place and the used papers are arranged by subjects, in bundles containing from 100 to 300 sheets. A bundle of papers on one subject is often composed of papers from many different examination places. After the papers have been so arranged by subjects, they are sent to the examining division for rating. Each examiner who rates examination papers specializes on certain subjects. The identity of any competitor on whose paper he may be working at any time is unknown to him. The rating is done in accordance with specific rules laid down by the commission, and the work of each examiner is reviewed by another, not because of any suspicion of favoritism or unfairness on the part of the first examiner, but in order to secure accuracy in the rating. An examiner is not permitted to select the papers of his special subject for any particular place of examination, but his work is assigned to him by an issue clerk, who assigns it in such manner as to complete the whole most expeditiously.

When the papers of all the subjects have been rated and reviewed they are assembled and the general averages computed, after which the envelopes containing the declaration sheets are opened. It will be seen that in this way the identity of the competitor is not disclosed until all the rating is completed for all of the competitors of the same examination.

INCREASED USE OF CONFIDENTIAL INQUIRIES.

The value of confidential vouchers as a means to ascertain the personal fitness and integrity of applicants for examination has been mentioned in previous reports, and in last year's report the extended use of such vouchers was recorded and still further extension of their use was advocated. During the past year these inquiries have been used to a much greater extent than ever before, and the results have served to emphasize more strongly than ever the advantages which would accrue to the service if it were possible to extend the system to practically all examinations. By means of confidential inquiries in letter form it has been possible to obtain accurate and reliable information in regard to the qualifications and personal fitness of applicants for all kinds of positions from the highest to the lowest. The system comes next in value to personal investigation. It has been extensively used in connection with rural carrier and fourth-class postmaster examinations where charges of unfitness have been made by patrons.

It is believed that confidential inquiries should be used in all examinations except possibly those for the post-office service, which are usually held only at the places of employment, where the postmasters have every facility for investigating the suitability

of eligibles certified to them for selection. For the service in Washington or for positions for which the nominating or appointing officer is stationed at a place remote from that where the examination may be held, it is believed that these inquiries should be made. So great an extension of the system would, however, materially increase the work of the application division and would not be practicable without the employment of a number of additional clerks in that division. The extensions already made in the use of confidential inquiries have necessitated the assignment of at least two clerks constantly to this work, while other clerks are engaged upon it for a part of their time.

NEED OF AN INDEPENDENT PRINTING PLANT.

In last year's report attention was called to the delays which have been experienced since October 1, 1909, in the printing of announcements of examinations and examination questions. Prior to the date mentioned the commission had such printing done at the branch printing office located in the Interior Department. With the abolishment of the branch printing office in the Interior Department it became necessary to have all of this work done in the main office of the Government Printing Office, and because of the delays to the work the results have been far from satisfactory. It is absolutely necessary that announcements and questions be printed promptly, but, as stated in last year's report, the delays incident to the change are usually from 5 to 12 days. No improvement in this respect, but rather the opposite, has been noted during this report year.

On account of the confidential character of examination questions, it is important to be able to know into whose hands any set of questions has passed in their preparation and printing. While this is possible under the present system, yet necessarily a larger number of persons must be engaged upon the work and consequently a larger number have opportunity to see the questions than would be the case if they were printed in a small, compact office. Moreover, it is considered of importance that every employee engaged upon the preparation of questions for examinations, whether in the framing of the actual questions or in the mechanical part of preparing them for use in the examination room, should be under the direct control and authority of the commission.

For the reasons here given the recommendation made in last year's report is renewed that the commission obtain authority and appropriation from Congress for the establishment of an independent printing plant in the commission's office, to be used for the printing of announcements and examination questions.

Respectfully submitted.

G. R. WALES, *Chief Examiner.*

APPENDIX.

CIVIL-SERVICE ACT.¹

AN ACT To regulate and improve the civil service of the United States. (Act of Jan. 16, 1883, 22 Stat., 403.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That the President is authorized to appoint, by and with ^{Appointment of commissioners.} the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners, and said three commissioners shall constitute the United States Civil Service Commission. Said commissioners shall hold no other official place under the United States.

The President may remove any commissioner; and any ^{Removal of commissioners.} vacancy in the position of commissioner shall be so filled by the President, by and with the advice and consent of the Senate, as to conform to said conditions for the first selection of commissioners.

The commissioners shall each receive a salary of three ^{Salaries and traveling expenses.} thousand five hundred dollars a year. And each of said commissioners shall be paid his necessary traveling expenses incurred in the discharge of his duty as a commissioner.

* * * "By the executive departments, when that term is used in the Federal Statutes, is properly understood only those departments specified in section 158 of the Revised Statutes, to which has since been added by subsequent legislation the Department of Agriculture [and the Departments of Commerce and Labor].
* * * The Civil Service Commission
* * * is not attached in anywise to any of the executive departments, nor is it subject in anywise to the control of any of the heads of those departments. There is nothing in the act constituting the commission which makes it subject to any regulation or control except that of the President himself." * * * (Opinion, Atty. Gen., May 4, 1898, 22 Op., 62.)
Through subsequent legislation the salary of the president of the commission is now \$4,500 and that of the other commissioners \$4,000 each. (Act of May 22, 1908, 35 Stat., 197.)

SEC. 2. That it shall be the duty of said commissioners: ^{Duties of commissioners. Rules.}
First, To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate to

¹ *Definition.*—Civil service is defined as the executive branch of the public service as distinguished from military, naval, legislative, and judicial.—(Century Dictionary.)

aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect.

"Where an act of Congress, establishing a general system, confers on the President the authority to do a specific act for the purpose of perfecting the means by which the system shall be carried into effect, the act of the President, when performed according to the terms of the statute, has all the validity and authority of the statute itself." (Opinion, Atty. Gen., Mar. 19, 1862, 10 Op., 469.)

"There can be no doubt as to the power of Congress or any other legislative body to delegate to subordinate authorities the power to make rules and regulations within certain limits, which, when made, will have the force of law. * * * But if any rule prepared by this commission, whether published by the President or not, should have the effect of repealing or modifying an act of Congress, it would be an act of legislation and not a regulation of a mere executive character, which it was clearly the object of this law to authorize. It is a grave question whether Congress could delegate to the President, or to any board of commissioners jointly with the President, the authority to do any act which is equivalent to legislation." (Woods v. Gary, Postmaster General, Sup. Ct. D. C., Sept. 14, 1897, 25 W. L. R., 591. See also, Opinion of Justices, Feb. 24, 1885, 138 Mass., 601.)

In a letter to the commission, of July 16, 1895, the President requested it to further

a plan by which the Board of Commissioners for the District of Columbia may provide examinations for those seeking places under the District government so far as this may be done without thereby adding to the expenses of the commission.

In an Executive order of December 17, 1907, the President directed that "upon the request of any Member of Congress the United States Civil Service Commission shall aid in testing the qualifications of applicants for designation for appointment in the United States Military or Naval Academies, so far as this may be done without thereby adding to the expenses of the commission."

The United States Civil Service Commission is directed to render such assistance as may be practicable to the Porto Rican civil service commission, created under the insular legislative act of March 14, 1907, and officers and employees in the Federal service in Porto Rico shall facilitate the holding of examinations and other work of the Porto Rican civil service commission and render such other assistance as may be practicable. (Executive order, Sept. 27, 1907.)

This order is similar to that signed by President McKinley on November 20, 1900, in regard to the Philippine service.

Second. And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

Competitive examinations.

First, for open, competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

Vacancies, how filled.

Second, that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

Apportionment.

Third, appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States and Territories and the District

of Columbia upon the basis of population as ascertained at the last preceding census. Every application for an examination shall contain, among other things, a statement, under oath, setting forth his or her actual bona fide residence at the time of making the application, as well as how long he or she has been resident of such place.

Fourth, that there shall be a period of probation before any absolute appointment or employment aforesaid.

Fifth, that no person in the public service is for that reason under any obligations to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

Sixth, that no person in said service has any right to use his official authority or influence to coerce the political action of any person or body.

Seventh, there shall be noncompetitive examinations in all proper cases before the commission, when competent persons do not compete, after notice has been given of the existence of the vacancy, under such rules as may be prescribed by the commissioners as to the manner of giving notice.

Eighth, that notice shall be given in writing by the appointing power to said commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the date thereof, and a record of the same shall be kept by said commission.

And any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the commission.

Third. Said commission shall, subject to the rules that may be made by the President, make regulations for, and have control of, such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same; and said commission shall keep minutes of its own proceedings.

Fourth. Said commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners hereinafter provided for, and its

Application for
examination.

Probation.

Political contri-
butions and serv-
ice.

Coercion.

Noncompeti-
tive examina-
tions.

Notice of
changes in serv-
ice.

Exceptions to
rules.

Regulations for
examinations.

Minutes of pro-
ceedings.

Investigations.

own subordinates, and those in the public service, in respect to the execution of this act.

Annual report. *Fifth.* Said commission shall make an annual report to the President for transmission to Congress, showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act.

Chief examiner. SEC. 3. That said commission is authorized to employ a chief examiner, a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him. The chief examiner shall be entitled to receive a salary at the rate of three thousand dollars a year, and he shall be paid his necessary traveling expenses incurred in the discharge of his duty. The commission shall have a secretary, to be appointed by the President, who shall receive a salary of one thousand six hundred dollars per annum. It may,

Secretary.

Stenographer and messenger.

when necessary, employ a stenographer, and a messenger, who shall be paid, when employed, the former at the rate of one thousand six hundred dollars a year, and the latter at the rate of six hundred dollars a year. The commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of anyone so selected. Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them; and where there are persons to be examined in any State or Territory, examinations shall be held therein at least twice in each year.

Boards of examiners.

Duties of public officers.

It shall be the duty of the collector, postmaster, and other officers of the United States, at any place outside of the District of Columbia where examinations are directed by the President or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations and in all proper ways to facilitate the same.

"The [chief] examiner is an officer to be appointed by the President, with the advice and consent of the Senate." (Opinion, Atty. Gen. May 26, 1886, 18 Op., 411.)

Section 3 of the civil-service act of January 16, 1883 (22 Stat., 405), authorizes the detail of persons in the official service of the executive departments to be members of the boards of examiners in the Civil Service Commission, but does not authorize such detail for any other purpose or service. Opinion of December 22, 1904 (25 Op., 301), adhered to. (Opinion, Atty. Gen., Apr. 8, 1905, 25 Op., 879.)

Through subsequent legislation contained in the appropriation act the salary of the secretary is now \$2,500 a year, and

that of the chief examiner \$3,500. The statutory roll of the commission, exclusive of the commissioners, the chief examiner, and the secretary, contains the names of 235 employees.

No detail of clerks or other employees from the executive departments or other Government establishments in Washington, District of Columbia, to the Civil Service Commission for the performance of duty in the District of Columbia shall be made for or during the fiscal year 1913. The Civil Service Commission shall, however, have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office force, field force, or rural carrier examining board. (Act approved Aug. 23, 1912, 37 Stat., 372. See also 37 Stat., 750.)

SEC. 4. That it shall be the duty of the Secretary of ^{Accommodations, etc., for commission.} the Interior to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of said commission and said examinations, and to cause the necessary stationery and other articles to be supplied, and the necessary printing to be done for said commission.

SEC. 5. That any said commissioner, examiner, copy- ^{Frauds.} ist, or messenger, or any person in the public service who shall willfully and corruptly, by himself or in cooperation with one or more other persons, defeat, deceive, or obstruct any person in respect of his or her right of examination according to any such rules or regulations, or who shall willfully, corruptly, and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing or who shall willfully and corruptly make any false representations concerning the same or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed, or promoted, shall for each such offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment not less than ten days, nor more than one year, or by both such fine and imprisonment.

SEC. 6. That within sixty days after the passage of ^{Customs classification.} this act it shall be the duty of the Secretary of the

Treasury, in as near conformity as may be to the classification of certain clerks now existing under the one hundred and sixty-third section of the Revised Statutes, to arrange in classes the several clerks and persons employed by the collector, naval officer, surveyor, and appraisers, or either of them, or being in the public service, at their respective offices in each customs district where the whole number of said clerks and persons shall be altogether as many as fifty. And thereafter, from time to time, on the direction of the President, said Secretary shall make the like classification or arrangement of clerks and persons so employed, in connection with any said office or offices, in any other customs district. And, upon like request, and for the purposes of this act, said Secretary shall arrange in one or more of said classes, or of existing classes, any other clerks, agents, or persons employed under his department in any said district not now classified; and every such arrangement and classification upon being made shall be reported to the President.

Post-office classification.

Second. Within said sixty days it shall be the duty of the Postmaster General, in general conformity to said one hundred and sixty-third section, to separately arrange in classes the several clerks and persons employed, or in the public service, at each post office, or under any postmaster of the United States, where the whole number of said clerks and persons shall together amount to as many as fifty. And thereafter, from time to time, on the direction of the President, it shall be the duty of the Postmaster General to arrange in like classes the clerks and persons so employed in the postal service in connection with any other post office; and every such arrangement and classification upon being made shall be reported to the President.

Revision of classifications.

Third. That from time to time said Secretary, the Postmaster General, and each of the heads of departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office, shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public

service pertaining to their respective departments not before classified for examination.

SEC. 7. That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. But nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes, nor to take from the President any authority not inconsistent with this act conferred by the seventeen hundred and fifty-third section of said statutes; nor shall any officer not in the executive branch of the Government, or any person merely employed as a laborer or workman, be required to be classified hereunder; nor, unless by direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination.

Examination required for appointment and promotion.

Preference to war veterans under sec. 1754, R. S.

Exclusions.

SEC. 8. That no person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment to which the provisions of this act are applicable.

Intoxicating beverages.

SEC. 9. That whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades.

Members of family.

"The Civil Service Commission is authorized and required to withhold from certification the name of a person, two or more members of whose family are already in the public service under this act." (Opinion Atty. Gen., May 25, 1907, 26 Op., 261.)

"The family consists of those who live under the same roof with the pater-familias—those who form * * * his fireside; but when they branch out and become heads of new establishments they cease to be part of the father's family." (Opinion Atty. Gen., July 12, 1907, 26 Op., 303.)

Section 9 of the civil-service act also applies to reinstatements. (Minute of commission, Dec. 9, 1908.)

"Section 9 of the civil - service act * * * applies to temporary as well as permanent appointments." (Minute of commission, July 9, 1909.)

"* * * Section 9 of the civil-service act * * * applies to temporary ap-

pointments whether made through certification from the commission's registers or made outside of the registers." (Minute of commission, Mar. 25, 1912.)

In view of the impracticability, on account of the manner in which the appointments are made, of fully applying to excepted positions the provisions of section 9 of the civil-service act forbidding the appointment of more than two members of a family in the grades covered by the civil-service act, and in view of an opinion rendered by the Attorney General June 23, 1913, that section 6 of the act of August 24, 1912, requiring reasons to be stated in writing and an opportunity given for reply before removal from the "classified civil service," does not apply to excepted positions, the term "classified civil service" in such legislation being used in the more popular sense of *competitive service*, the commission hereby holds that appointments to excepted positions

are not subject to the restrictions of said section 9 of the civil-service act. The contrary holding in minute 4 of November 26, 1910, and such part of minute 3 of

March 28, 1913, as is inconsistent with the principle involved in this ruling are hereby revoked. (Minute 2, June 15, 1914.)

Recommendation by Members of Congress.

SEC. 10. That no recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or Member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act.

Political assessments and contributions.

SEC. 11. That no Senator, or Representative, or Territorial Delegate of the Congress, or Senator, Representative, or Delegate elect, or any officer or employee of either of said Houses, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

This section is now embodied in section 118, Criminal Code (35 Stat., 1110), in effect January 1, 1910.

"An act prohibiting Government employees and officers from requesting or receiving money from other officers or employees for political purposes is not unconstitutional, as abridging the right of a citizen to aid in promoting such political objects as he deems to be wise and beneficial, since no citizen is required to hold a public office," and if unwilling to do so on such conditions as are prescribed, it is his duty to resign. (106 U. S., 371, in re Curtis.)

The sending of a circular letter by a political committee to Federal officers and employees soliciting financial aid in congressional or State elections, upon or attached to which appear the names of Federal officers or employees, is a violation of section 11 of the civil-service act, which declares that no officer or employee of the Government shall be in any manner concerned in soliciting or receiving any assessment or contribution for any political purpose whatever from any officer or employee of the United States. "Whatever the particular form of words adopted

in such circulars, in order to show a request rather than a demand, and to give to responses a quasi voluntary character, the explicit and comprehensive words of the statute * * * unquestionably condemn all such circulars." (Opinion Atty. Gen., Oct. 17, 1902, 24 Op., 133. See also brief of commission, Sixteenth Report, 149-154.)

"To charge a man with soliciting a contribution from United States officers for a political purpose carries with it by implication a charge that the accused knew the purpose for which the contribution was solicited. The words 'for a political purpose' may reasonably be construed to qualify not only the contribution but the solicitation. Similarly, to charge that a man received from another his contribution for a political purpose, by implication charges that the reception was for the same purpose as the contribution. * * *

Nor was it necessary to set out the specific averment that the defendant knew that the persons from whom the contributions were received were officers of the United States." (U. S. v. Scott, Circuit Ct., Ky., Oct. 7, 1895, 74 Fed. Rep., 213.)

SEC. 12. That no person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in this act, or in any navy-yard, fort, or arsenal, solicit in any manner whatever, or receive any contribution of money or any other thing of value for any political purpose whatever. Solicitation.

This section is now embodied in section 119, Criminal Code (35 Stat., 1110), in effect January 1, 1910.

A solicitation of funds for campaign purposes made by letter in violation of section 12 of the civil-service act of January 16, 1883 (ch. 27, 22 Stat., 403), is not complete until the letter is delivered to the person from whom the contribution is solicited, and if the letter is received by one within a building or room described in section 12 of the act, the solicitation is in that place and the sender of the letter commits the prohibited offense in the prohibited place. (*United States v. Thayer*, 209 U. S., 39.)

A man may sometimes be punished in person where he has brought consequences to pass, although he was not there in person. (*In re Palliser*, 136 U. S., 257; *United States v. Thayer*, 209 U. S., 39.)

See also opinion in *U. S. v. Glick*, District Ct., Del., June 4, 1909, not reported, quoted at length in Twenty-sixth Report, p. 159.

"To constitute the offense the statute creates it is not necessary that the solici-

tation be made verbally. The illegal solicitation may as well be made by a written request personally delivered in the forbidden place. * * * When the defendant, while in the post office intentionally handed the postmaster a letter, knowing that it contained a request for a political contribution from the person to whom the letter was delivered, he undoubtedly violated the statute." (*U. S. v. Smith*, Dist. Ct. M. D. Ala., 1908, 163 Fed., 927.)

"The Government of the United States has supreme and exclusive control over the places designated in section 12 in which solicitation of or procuring aid for political purposes is forbidden. * * *

"Congress had a right to prescribe rules of conduct to be observed not only by officers and employees of the Government who shall occupy these places for the time being, but also by the citizen who may for any purpose be allowed to go into these places. * * *

"We hold the indictment to be good and the twelfth section of the act constitutional." (*U. S. v. Newton*, 23 D. C. App., 230.)

SEC. 13. No officer or employee of the United States mentioned in this act shall discharge, or promote, or de-grade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose. Change of rank or compensation.

This section is now embodied in section 120, Criminal Code (35 Stat., 1110), in effect January 1, 1910.

SEC. 14. That no officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of the House of Representatives, or Territorial Delegate, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever. Gifts for political objects.

This section is now embodied in section 121, Criminal Code (35 Stat., 1110), in effect January 1, 1910.

Penalty.

SEC. 15. That any person who shall be guilty of violating any provision of the four foregoing sections shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding five thousand dollars, or by imprisonment for a term not exceeding three years, or by such fine and imprisonment both, in the discretion of the court.

This section is now embodied in section 122, Criminal Code (35 Stat., 1110), in effect January 1, 1910.

Section 335, Criminal Code (35 Stat.,

1152), provides that all offenses which may be punished by death or imprisonment for a term exceeding one year shall be deemed felonies.

Approved, January 16, 1883.

STATUTES AFFECTING LEAVE OF ABSENCE AND HOURS OF LABOR.

SEC. 7. * * * Hereafter it shall be the duty of the heads of the several executive departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective departments, not less than seven hours of labor each day, except Sundays and days provided public holidays by law or Executive order: *Provided*, That the heads of the departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their departments, respectively; but in case of an extension it shall be without additional compensation: *Provided further*, That the head of any department may grant thirty days' annual leave with pay in any one year to each clerk or employee: *And provided further*, That where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the department would jeopardize the health of fellow clerks, and in exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended in the discretion of the head of the department, with pay, not exceeding thirty days in any one case or in any one calendar year.

Hours of labor
in executive de-
partments.

Annual leave.

Extensions for
illness, etc.

Limit with pay.

This section shall not be construed to mean that so long as a clerk or employee is borne upon the rolls of the department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall stop upon the expiration of the granted leave. (30 Stat., 316, Mar. 15, 1898.)

Pay to stop af-
ter granted leave.

It is hereby ordered that from June 15 to September 15 of each year until further notice, four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays for all clerks and other employees of the Federal Government, wherever employed; and all executive or other orders in conflict herewith, except the executive order of April 4, 1908, relating to certain naval stations, are hereby revoked.

Provided, however, that this order shall not apply to any bureau or office of the Government, or to any of the clerks or other employees thereof, that may for special public reasons be excepted therefrom by the head of the department having supervision or control of such bureau or office, or where the same would be inconsistent with the provisions of existing law. (Executive order of June 9, 1914.)

Leave of mem-
bers of National
Guard.

SEC. 49. That all officers and employees of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days of any parade or encampment ordered or authorized under the provisions of this act. (25 Stat., 772, Mar. 1, 1889.)

Service by Gov-
ernment employ-
ees in the Na-
tional Guard.

That section 49 of "An act to provide for the organization of the militia of the District of Columbia," approved March 1, 1889, shall be construed as covering all days of service which the National Guard, or any portion thereof, may be ordered to perform by the commanding general. (32 Stat., 615, July 1, 1902.)

Hours of labor.
Limit to eight
hours for laborers
and mechanics on
Government
work.

SECTION 1. That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct, or control services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

In a recent case in the district of Massachusetts Judge Dodge defined the phrase "in case of extraordinary emergency" as follows: "An extraordinary emergency, such as is contemplated by the act, is the sudden, unexpected happening of something not of the usual, customary, or regular kind; demanding prompt action to avert imminent danger to life, limb, health, or property. The possibility of

danger is not enough. The peril must be certain, unusual, imminent, and actual in order to constitute an extraordinary emergency such as the statute contemplates." Judge Dodge also ruled that probable pecuniary loss to the contractor, unless due to an extraordinary emergency, as defined above, is only an ordinary business risk. (Circular letter, Oct. 31, 1906, from Attorney General to United States attorneys.)

Penalty for vio-
lation by officer
or contractor.

SEC. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall upon conviction be punished by a fine not to exceed one thousand dollars or by imprisonment for not more than six months or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof. (27 Stat., 340, Aug. 1, 1892.)

STATUTES PERMITTING APPOINTMENTS WITHOUT REFERENCE TO THE CIVIL-SERVICE ACT.

CENTRAL HEATING AND POWER PLANT.

The Secretary of the Treasury is further authorized and empowered to employ, without reference to the civil-service laws and regulations, on a salary basis, in the Office of the Supervising Architect, such technical services as may be deemed necessary in connection with the plans, specifications, and construction of the power plant herein provided for and to pay for such services at such price or rates of compensation as he may consider just and reasonable from the appropriation hereinbefore made: *Provided*, That not to exceed \$35,000 shall be available from said appropriation for such technical services: *And provided further*, That the foregoing authorization for securing the services of specially qualified persons shall be in addition to and independent of the authorizations and appropriations for personal services in the Office of the Supervising Architect otherwise made. (38 Stat., 26, act of June 23, 1913.)

Employment of additional technical services.

INCOME TAX.

That for the purpose of carrying into effect the provisions of Section II of this act, and to pay the expense of assessing and collecting the income tax therein imposed, and to pay such sums as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may deem necessary, for information, detection, and bringing to trial and punishment persons guilty of violating the provisions of this section, or conniving at the same, in cases where such expenses are not otherwise provided for by law, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending June thirtieth, nineteen hundred and fourteen, the sum of \$800,000, and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to appoint and pay from this

Appropriation for expenses.

Appointment of officers, etc.

Other expenses. appropriation all necessary officers, agents, inspectors, deputy collectors, clerks, messengers, and janitors, and to rent such quarters, purchase such supplies, equipment, mechanical devices, and other articles as may be necessary for employment or use in the District of Columbia or any collection district in the United States, or any of the Territories thereof: *Provided*, That no agent paid from this appropriation shall receive compensation at a rate higher than that now received by traveling agents on accounts in the Internal-Revenue Service, and no inspector shall receive a compensation higher than \$5 a day and \$3 additional in lieu of subsistence, and no deputy collector, clerk, messenger, or other employee shall be paid at a rate of compensation higher than the rate now being paid for the same or similar work in the Internal-Revenue Service.

Restriction on compensation.

Additional employees, etc., authorized. In the office of the Commissioner of Internal Revenue at Washington, District of Columbia, there shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, one additional deputy commissioner, at a salary of \$4,000 per annum; two heads of divisions, whose compensation shall not exceed \$2,500 per annum; and such other clerks, messengers, and employees, and to rent such quarters and to purchase such supplies as may be necessary: *Provided*, That for a period of two years from and after the passage of this act the force of agents, deputy collectors, inspectors, and other employees, not including the clerical force below the grade of chief of division employed in the Bureau of Internal Revenue in the city of Washington, District of Columbia, authorized by this section of this act, shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, under such rules and regulations as may be fixed by the Secretary of the Treasury to insure faithful and competent service, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury, within the limitations herein prescribed:

Commissioner to appoint employees, except clerical force.

Compensation.

Use of additional force on general work.

Provided further, That the force authorized to carry out the provisions of Section II of this act, when not employed as herein provided, shall be employed on general internal-revenue work. (38 Stat., 180, act of Oct. 3, 1913.)

DEPUTY COLLECTORS AND DEPUTY MARSHALS.

* * * That hereafter any deputy collector of internal revenue or deputy marshal who may be required by law or by authority or direction of the collector of internal revenue or the United States marshal to execute a bond to the collector of internal revenue or United States marshal to secure faithful performance of official duty may be appointed by the said collector or marshal, who may require such bond without regard to the provisions of an act of Congress entitled "An act to regulate and improve the civil service of the United States," approved January sixteenth, eighteen hundred and eighty-three, and amendments thereto, or any rule or regulation made in pursuance thereof, and the officer requiring said bond shall have power to revoke the appointment of any subordinate officer or employee and appoint his successor at his discretion without regard to the act, amendments, rules, or regulations aforesaid. (38 Stat., 208, act of Oct. 22, 1913.)

Collectors of internal revenue and marshals may appoint bonded deputies without regard to civil-service act and rules.

Control of appointing officer.

FEDERAL RESERVE BOARD.

SEC. 11. The Federal Reserve Board shall be authorized and empowered:

* * * * *

(1) To employ such attorneys, experts, assistants, clerks, or other employees as may be deemed necessary to conduct the business of the board. All salaries and fees shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the members of said board. All such attorneys, experts, assistants, clerks, and other employees shall be appointed without regard to the provisions of the act of January sixteenth, eighteen hundred and eighty-three (volume twenty-two, United States Statutes at Large, page four hundred and three), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service. (Public, 43, Dec. 23, 1913.)

Employment of employees.

COMMERCIAL ATTACHÉS.

For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, and to be accredited through the State Department, whose

To be appointed by Secretary of Commerce.

Duties.

duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for one clerk to each of said commercial attachés to be paid a salary not to exceed \$1,500 each; and for necessary traveling and subsistence expenses, rent, purchase of reports, travel to and from the United States, and all other necessary expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, \$100,000. (Act of July 16, 1914.)

FEDERAL TRADE COMMISSION.**Authority to appoint.**

Each commissioner shall receive a salary of \$10,000 a year, payable in the same manner as the salaries of the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive a salary of \$5,000 a year, payable in like manner, and it shall have authority to employ and fix the compensation of such attorneys, special experts, examiners, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress.

Exceptions from civil-service act and rules.

With the exception of the Secretary, a clerk to each commissioner, the attorneys, and such special experts and examiners as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission. (Public Act 203, approved Sept. 26, 1914.)

Classified employees.**ADMINISTERING OATHS.****Authority.**

Members of the Civil Service Commission and its duly authorized representatives are hereafter authorized to administer oaths to witnesses in any matter depending before the Civil Service Commission. (37 Stat. L., 372, act of Aug. 23, 1912.)

STATUTES AFFECTING THE CLASSIFIED SERVICE.

DIRECTORY STATUTES.¹

SEC. 1753. The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service. (R. S., act of Mar. 3, 1871.)

President's authority to prescribe regulations concerning appointment.

SEC. 161. The head of each department is authorized to prescribe regulations not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it. (R. S., act of Aug. 15, 1876.)

Departmental regulations.

"The regulation of a department of the Government is not, of course, to control the construction of an act of Congress when its meaning is plain, but when there has been a long acquiescence in a regulation, and by it rights of parties for many years have been determined and adjusted, it is not to be disregarded with-

out the most cogent and persuasive reasons." (Robertson v. Downing, May 14, 1888, 127 U. S., 613.)

(Upon this general subject see also Opinions of Attorneys General: 10 Op., 469; 11 Op., 109; 15 Op., 94; 22 Op., 167; and 22 Op., 266.)²

SEC. 165. Women may, in the discretion of the head of any department, be appointed to any of the clerkships therein authorized by law, upon the same requisites and conditions, and with the same compensation, as are prescribed for men. (R. S., act of July 12, 1870.)

Clerkships open to women.

Whenever, in the judgment of the head of any department, the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class or by a female

Number of clerks of higher grade may be diminished and lower increased.

¹ These statutes either authorize or direct certain ways of conducting the public business which falls within the purview of the civil service act and rules, and depend upon administrative discipline for their enforcement.

² The general subject of the legal force of regulations is treated at length in "Remarks on the Army Regulations and Executive Regulations in General," by G. Norman Lieber, Judge Advocate General, United States Army (1896).

clerk, it shall be lawful for him to diminish the number of the clerks of the higher grade and increase the number of clerks of the lower grade within the limit of the total appropriation for such clerical service: *Provided*, That in making any reduction of force in any of the executive departments, the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States and the widows and orphans of deceased soldiers and sailors. (19 Stat., L., 169, act of Aug. 15, 1876.)

Preference in reduction of force. " * * Reports are required from this (Commissioner of Pensions) grand division of the service to the head of the department for such action as the higher officer may take within the law and when ratified become the act of the Secretary of the Interior.

" * * The matter of qualification as between the persons then employed in the service was an administrative func-

tion which the courts could neither supervise nor inquire into after the exercise of the discretion of the proper official in dispensing with the services of those adjudged to be least qualified under the law which required a reduction in the force." (*Medkirk v. U. S.*, 44 Ct. Cls., 469; affirmed 45 Ct. Cls., 395; *Keim v. U. S.*, 177 U. S., 290.)

War veteran preference in appointments to civil offices.

SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices. (R. S., act of Mar. 3, 1865.)

The joint resolution of March 3, 1865 (sec. 1754, R. S.), considered in connection with the act of March 3, 1871, chapter 114 (sec. 1753, R. S.), is construed to mean that honorably discharged soldiers and sailors are not exempt from liability to examination for admission into the civil service, but that they are entitled to a preference for appointment as against other persons of equal qualifications for the place. (Opinion Atty. Gen., Aug. 13, 1881, 17 Op., 194.)

Preference under 1754, Revised Statutes, is not subject to the law of apportionment and extends over all others on the eligible list irrespective of their ratings. (Opinion Atty. Gen., May 12, 1910, 28 Op., 298.)

Assignments and transfers of railway mail clerks. Post office.

In the assignment or transfer of clerks from the Railway Mail Service, however, preference shall be given to the persons honorably discharged from the military or naval service who served in the Civil War and who are now serving as clerks on the railway mail cars in order that they may be transferred to clerical service in the depart-

"These sections (1754 R. S. and 19 Stat., 169, sec. 3) do not contemplate the retention in office of a clerk who is inefficient, nor attempt to transfer the power of determining the question of efficiency from the heads of departments to the courts. * * * The preference, and it is only a preference, is to be exercised as between those 'equally qualified,' and this petitioner was discharged because of inefficiency." (*Keim v. U. S.*, 1900, 177 U. S., 290.)

Preference under this section applies only to original entrance to the service and not to promotion. (Minute of commission, Apr. 18, 1896.)

ment or in the post offices and relieved from service on said cars as rapidly as practicable, provided they are found to possess the business capacity necessary for the proper discharge of the duties of the offices to which they may be transferred. (33 Stat. L., 1088, act of Mar. 3, 1905).

* * * Hereafter all examinations of applicants for positions in the Government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination. (36 Stat. L., 1, act of July 2, 1909.)

In so-called "nonassembled" examinations held by the Civil Service Commission it has required competitors to show that they have been actually domiciled in the State or Territory in which they reside for at least one year previous to the examination, and where a competitor is temporarily absent from his State at the time of filing his application he is not required to return to such State for the purpose either of filling out his application and making oath to it or of furnishing the other data and information required in connection with his examination. These examinations are not "had" at any particular place, and Congress in enacting this statute seems to have had in mind the examinations referred to in section 3 of the civil-service act, held by local boards of examiners "so located as to make it reasonably convenient and inexpensive for applicants to attend before them." "In view of the practical construction which has been placed upon the statute for some years by the body charged with its administration, I do not feel warranted in holding such construction incorrect." (Opinion of Atty. Gen., July 22, 1913, 30 Op., 194.)

The residence and domicile restrictions contained in the first proviso of section 7 of the census act approved July 2, 1909, apply only to the examinations for the apportioned service of the Government at Washington.

The provision in that section with regard to applicants being "actually domiciled" in the State or Territory where the examination is taken means that he must not only show that he resides in the State or Territory where he applies for examination, but that for at least one year previous to his examination he has been actually domiciled there; that is, he shall, for that period, have had his permanent home within such State or Territory, a

home adopted at least one year previous to his examination, with the intention of making it his permanent abode, which intention shall not have been departed from during the period.

It is impossible to determine in advance the conclusions to be drawn by the application of these rules to all varying facts that may be presented in different cases arising under these statutes. As was said by Attorney General Miller, "A general rule applicable to all cases can not be formulated." Again, as stated by Attorney General Miller in the opinion cited by Mr. Olney (20 Op., 649), the question of domicile as well as of residence involves a mixed question of law and fact, to be determined in each case upon its own peculiar facts. (Opinions, Atty. Gen., Aug. 18 and Nov. 15, 1909, 27 Op., 546; 28 Op., 78.)

The Attorney General also held June 17, 1910 (28 Op., 348), that this proviso has no application to those already in an apportioned service.

"The restrictions of the act (section 7) as to one year domicile and examination within the State of legal residence do not apply to examinations for promotion or transfer. The act does apply in cases of reinstatement where examination is necessary." (Minute of commission, July 10, 1909.)

Residence, married women.—The legal residence of a married woman is the same as that of her husband, and so remains until she is separated from him by an absolute or limited divorce. A married woman living apart or divorced from her husband may, if she so desires, for the purpose of filing an application for examination, claim a legal residence other than his, but she must furnish a sworn statement of the facts upon which she based her claim to a separate legal residence. (Minute of commission, May 23, 1907.)

Who may execute oaths to expense vouchers.

SEC. 8. After June thirtieth, nineteen hundred and twelve, postmasters, assistant postmasters, collectors of customs, collectors of internal revenue, chief clerks of the various executive departments and bureaus, or clerks designated by them for the purpose, the superintendent, the acting superintendent, custodian, and principal clerks of the various national parks and other Government reservations, superintendent, acting superintendents, and principal clerks of the different Indian superintendencies or Indian agencies, and chiefs of field parties, are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand after said date by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and on and after July first, nineteen hundred and twelve, no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (37 Stat. L., 487, act of Aug. 24, 1912.)

Army Quartermaster Corps.

That as soon as practicable after the creation of a Quartermaster Corps in the Army not to exceed four thousand civilian employees of that corps, receiving a monthly compensation of not less than thirty dollars nor more than one hundred and seventy-five dollars each, not including civil engineers, superintendents of construction, inspectors of clothing, clothing examiners, inspectors of supplies, inspectors of animals, chemists, veterinarians, freight and passenger rate clerks, civil-service employees and employees of the classified service, employees of the Army transport service and harbor-boat service, and such other employees as may be required for technical work, shall be replaced permanently by not to exceed an equal number of enlisted men of said corps; and all enlisted men of the line of the Army detailed on extra duty in the Quartermaster Corps or as bakers or assistant bakers shall be replaced permanently by not to exceed two thousand enlisted men of said corps; and for the purposes of this act the enlistment in the military service of not to exceed six thousand men, who shall be attached permanently to the Quartermaster Corps, and who shall not be counted as a part of the enlisted force provided by

law, is hereby authorized: *Provided*, That the enlisted force of the Quartermaster Corps shall consist of not to exceed fifteen master electricians, six hundred sergeants (first class), one thousand and five sergeants, six hundred and fifty corporals, two thousand five hundred privates (first class), one thousand one hundred and ninety privates, and forty-five cooks, all of whom shall receive the same pay and allowances as enlisted men of corresponding grades of the Signal Corps of the Army, and shall be assigned to such duties pertaining to the Quartermaster Corps as the Secretary of War may prescribe: *Provided further*, That the Secretary of War may fix the limits of age within which civilian employees who are actually employed by the Government when this act takes effect and who are to be replaced by enlisted men under the terms of this act may enlist in the Quartermaster Corps: *Provided further*, That nothing in this section shall be held or construed so as to prevent the employment of the class of civilian employees excepted from the provisions of this act or the continued employment of civilians included in the act until such latter employees have been replaced by enlisted men of the Quartermaster Corps. (37 Stat. L., 593, act of Aug. 24, 1912.)

The operation of the Executive order of March twenty-eighth, nineteen hundred and twelve, for the annual submission to the Civil Service Commission of an outline of organization of the Government of the United States is suspended until otherwise provided by law.¹ (Act of July 16, 1914.)

Outlines of organization.

The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or

Efficiency rating based on personal records to be established in departments.

Ratings for promotion, demotion, and retention.

¹ On July 16, 1913, the President suspended the operation of the Executive order of March 28 for the fiscal year ended June 30, 1914.

dismissals shall be governed by provisions of the civil service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provision of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

Records to commission.

Retention of honorably discharged soldiers and sailors.

Punishment for violations.

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year. (37 Stat., 413, act of Aug. 23, 1912, sec. 4.)

The proviso of this section applies only to reductions in force and "does not prohibit the head of a department from conforming the salary of an honorably

discharged soldier or sailor to the grade or character of work he may be called upon to perform." (Opinion Atty. Gen. June 2, 1913, 30 Op., 167.)

Establishment and maintenance of system of efficiency ratings for initial year: For the establishment and maintenance of system of efficiency ratings for initial year, \$15,000, to be immediately available. The Civil Service Commission shall investigate and report to the President, with its recommendations, as to the administrative needs of the service relating to personnel in the several executive departments and independent establishments in the District of Columbia and report to Congress details of expenditure and of progress of work hereunder at the beginning of each regular session: *Provided*, That no person shall be employed hereunder at a compensation in excess of \$4,000 per annum. (37 Stat. L., 750, act of Mar. 4, 1913.)

Commission to report upon administrative needs of departments.

PROHIBITORY STATUTES.

Prohibition of voluntary service except in emergencies.

Glavey v. U. S., Mar. 17, 1900, 35 Ct. Cls., 242.

* * * Hereafter no department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law except in cases of sudden emergency involving the loss of human life or the destruction of property. (23 Stat. L., 17, act of May 1, 1884; sec. 3679, R. S.)

"Any bargain whereby, in advance of his appointment to an office with a salary fixed by legislative authority, the appointee attempts to agree with the individual making the appointment that he will waive all salary or accept

something less than the statutory sum, is contrary to public policy and should not be tolerated by the courts." (Miller v. U. S., 1900, C. C. S. D. N. Y.; 103 Fed., 415.)

"SEC. 7. No part of any money contained herein or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or constructing operations of the Government." (37 Stat., 626, act of Aug. 26, 1912, as amended by 37 Stat. L., 790, act of Mar. 4, 1913.)

Lump-sum appropriations must not be used to increase salaries except as specified.

Vol. XIX, Decisions of the Comptroller of the Treasury, contains numerous decisions relating to the application of this statute and its predecessor.

"That hereafter section seven * * * and any amendments thereto, shall not apply to the payment, out of moneys appropriated or which may be hereafter appropriated in lump sum for the Department of Agriculture, for personal services of employees engaged in strictly scientific or technical work: *Provided*, That nothing contained herein shall be construed to authorize the transfer of any person employed at a specific salary and the payment of compensation from lump-sum appropriations at a rate greater than said specific salary. And hereafter every officer or employee of the Department of Agriculture whose rate of compensation is specified herein shall receive compensation at the rate so specified." (37 Stat. L., 854, act of Mar. 4, 1913.)

* * * The establishment of a civil pension roll or an honorable service roll, and the exemption of any of the officers, clerks, or persons in the public service from the existing laws respecting employment in such service is hereby prohibited. * * * (30 Stat. L., 890, act of Feb. 24, 1899.)

No civil pension roll.

Restriction on
classified service
transfers.

* * * That no person in the classified service of the United States on March first, nineteen hundred and thirteen, or employed therein since that date, other than in the Interstate Commerce Commission, shall be employed hereunder, by certificate or otherwise of the Civil Service Commission or by transfer from other branches of the public service, at a rate of compensation exceeding that received from the United States on or since March first, nineteen hundred and thirteen, nor shall the rate of compensation of any person appointed hereunder be increased within twelve months after such appointment. (28 Stat. L., 212, Oct. 22, 1913, relating to appropriation for the physical valuation of railroads.)

No employ-
ment permitted
except upon spe-
cific appropria-
tion.

That no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall * * * be employed in any of the executive departments or subordinate bureaus or offices thereof at the seat of government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services. * * * (22 Stat. L., 255, act of Aug. 5, 1882.)

Penalty for vio-
lation of sec. 4.

SEC. 5. That any person violating section four of the legislative, executive, and judicial appropriation act approved August fifth, eighteen hundred and eighty-two (Statutes at Large, volume twenty-two, page two hundred and fifty-five), shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year. (37 Stat. L., 414, act of Aug. 23, 1912.)

Holding of two
offices.

* * * No person who holds an office the salary or annual compensation attached to which amounts to the

sum of two thousand five hundred dollars shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter specially authorized thereto by law; but this shall not apply to retired officers of the Army or Navy whenever they may be elected to public office or whenever the President shall appoint them to office, by and with the advice and consent of the Senate. (28 Stat. L., 205, act of July 31, 1894.)

"* * * It is clear, both on principle and according to the authorities, that a retired officer of the Navy holds an office with a salary or annual compensation attached within the meaning of the above enactment, even if the express language of the exception be not considered. The status of retired Army officers (and in this regard a retired officer of the Navy does not differ from a retired officer of the Army) was considered with great fullness and precision by the Solicitor General in his opinion of May 17 last (29 Op. Atty. Gen., 397). He there discusses the case of *United States v. Tyler* (105 U. S., 244), and, referring to *People v. Duane* (121 N. Y., 387), says:

"* * * The continuance of honor and emolument to officers retired from active service is in part in consideration of faithful service in the past, but it is also true, and that is the reason of the opinion in the *Tyler* case, ignored in the *Duane* case, that honor and emolument are continued to these officers, because they are continued in the service. They may not be always or ever actively engaged, their brothers on the active list may be sufficient for every present need of Government, but, like those brothers, they are

always subject to the call of duty, and it is to be said of them, and was said of them in *Tyler's* case, that—

"They also serve who only stand and wait."

"The Solicitor General also discusses the case of *Geddes* (38 Ct. Cl., 428), and, after quoting from the language of the majority opinion in the case, he says of it:

"This reasoning, as the majority hold, is in direct conflict with that of *United States v. Tyler*, *supra*, and can not be accepted as a correct statement of the law." (Opinion of Atty. Gen., Aug. 12, 1912.)

An executive order of January 17, 1873, declares that "persons holding any Federal civil office by appointment under the Constitution and laws of the United States will be expected, while holding such office, not to accept or hold any office under any State or Territorial government, or under the charter or ordinances of any municipal corporation." Exceptions are made in case of justices of the peace, notaries public, commissioners of deeds. (See pp. 126-128, Fourteenth Report.)

SEC. 1764. No allowance or compensation shall be made to any officer or clerk by reason of the discharge of duties which belong to any other officer or clerk in the same or any other department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law. (R. S., act of Aug. 26, 1842.)

SEC. 1765. No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

No compensation for extra services. *Stansbury v. U. S.*, Dec., 1868, 8 Wall., 33.

No additional pay unless authorized by law.

Taking these sections (1763, 1764, 1765, R. S.), the purpose of this legislation was to prevent a person holding an office or appointment for which the law provides a definite compensation by way of salary or otherwise, which is intended to cover all the services which, as such officer, he may be called upon to render, from receiving extra compensation, additional allowances, or pay for other services which may be required of him either by act of Congress or by order of the head of his department, or in any other mode, added to or connected with the regular duties of the place which he holds; but that they have no application to the case of two distinct offices, places, or employments, each of which has its own duties and its own compensation, which offices may both be held by one person at the same time. (*U. S. v. Saunders*, 1887, 120 U. S., 129; *Crosthwaite v. U. S.*, 1895, 30 Ct. Cls., 300.)

Otherwise when offices are incompatible. (*Radeau v. U. S.*, 1889, 130 U. S., 439; *Winchell v. U. S.*, 1892, 28 Ct. Cls., 25, 30.)

When a statute increases the duties of an officer by the addition of other duties germane to the office, he must perform them without extra compensation, but if he is employed to render services in an independent employment, not incidental to his official duties, he may recover for such services. (*U. S. v. King*, 147 U. S., 676. See also *Evans v. U. S.*, 44 Ct. Cls., 549; affirmed 45 Ct. Cls., 169.)

It is impossible to misunderstand this language for the purpose and intent of the enactment. It cuts up by the roots these claims by public officers for extra compensation on the ground of extra services. There is no discretion left in any officer or tribunal to make the allowance unless it is authorized by some law of Congress. The prohibition is general and applies to all public officers or quasi public officers who have a fixed compensation. (*Hoyt v. U. S.*, 10 How., 109. See also *Pack v. U. S.*, 41 Ct. Cls., 423; *Woodwell v. U. S.*, 214 U. S., 82.)

Removals.

SEC. 6. That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same:

Organizations
of employees.

Provided, however, That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of

persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service. The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or Member thereof, shall not be denied or interfered with. (37 Stat. L., 555, act of Aug. 24, 1912.)

Right of petition.
Furnishing information to Congress.

It shall not be lawful hereafter for any clerk or other employee in the classified service in any of the executive departments to be transferred from one department to another department until such clerk or other employee shall have served for a term of three years in the department from which he desires to be transferred. (34 Stat. L., 449, act of June 22, 1906.)

Three-year provision in transfers.

The term "department," as used in laws relating to the civil service is distinguished from "office," "bureau," and "branch," and, therefore, transfers between an independent office and a department or another independent office are not restricted by the act. It applies, however, to the "field force" of a department—that is, its classified employees under its immediate control, as inspectors, examiners, and agents, although employed usually or invariably away from the seat of government. (Opinion Atty. Gen., Mar. 29, 1907, 26 Op., 209.)

Under date of September 23, 1907, the President, by Executive order, amended the rules so as to extend the three-year requirement in transfers to those branches of the service not covered by the act, but with the provision that the commission may waive such requirement when it deems such action necessary in the interests of the service, in transfers other than from one executive department to another. (See Rule X, sec. 8, cl. a.)

Hereafter it shall be unlawful to detail civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for the military or naval establishments, or any other branch of the public service outside of the District of Columbia, except those officers and employees whose details are now specially provided by law, for duty in any bureau, office, or other division of any executive department in the District of Columbia, except temporary details for duty connected with their respective offices. (34 Stat. L., 449, act of June 22, 1906.)

Details.

No detail of clerks or other employees from the executive departments or other Government establishments in Washington, District of Columbia, to the Civil Service Commission for the performance of duty in the District

Detail of Government employees at Washington to Civil Service Commission forbidden.

of Columbia shall be made for or during the fiscal year nineteen hundred and thirteen. The Civil Service Commission shall, however, have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office force, field force, or rural carrier examining board. (37 Stat. L., 372, act of Aug. 23, 1912.)

Gifts to official
superiors.

SEC. 1784. No officer, clerk, or employee in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ. (R. S., act of Feb. 1, 1870.)

Perjury.

SEC. 125. Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years. (Crim. Code, in effect Jan. 1, 1910. See also sec. 5392, R. S.)

Syllabus—A willfully false answer by such an applicant, to a question in an application for examination, as to whether he had ever been in the Government employ, and, if so, whether he has resigned

or been discharged, is perjury within the meaning of section 5392 R. S. "as an oath authorized by law." (*Johnson v. U. S.*, 1905, 26 D. C. App., 128.)

Forgery, false
writing, etc.

SEC. 28. Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting any bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as

true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited for the purpose of defrauding the United States, shall be fined not more than one thousand dollars, or imprisoned not more than ten years, or both. (Crim. Code, in effect Jan. 1, 1910. See also secs. 5418 and 5479, R. S.)

Where an applicant filed a sworn application for examination and by previous arrangement another person appeared for such examination and filled out the "Declaration Sheet," which contained questions concerning the applicant, and signed the applicant's name thereto, *Held* that:

"Section 5418 (R. S.) literally as well as in spirit covers the case. The offense charged is a grave one; an attempt to prejudice the rights of the United States in the administration of the civil-service

statute. Had the defendants been successful one of them would have obtained a privilege which would have placed him in a favored class and have entitled him to an advantage over others in the appointment to office.

"The privilege is a valuable one and the fraud of the defendants was therefore in prejudice of the Government. The sections under which the defendants are indicted are broad and sweeping and the offense I think is within their provisions." (U. S. v. Bunting, 1897, 82 Fed., 884.)

"SEC. 3679. No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. * * * All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract, obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be

Contracts for obligations for expenditures shall not be in excess of appropriations unless authorized by law.

waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such executive department or other Government establishment having control of the expenditures, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month." (As amended by sec. 4, deficiency appropriation act, Mar. 3, 1905, and by antideficiency act (so called), Feb. 27, 1906, 34 Stat. L., 49.)

Apportionment of expenditures.

SEC. 6. That in addition to the apportionment required by * * * act, approved February twenty-seventh, nineteen hundred and six (Statutes at Large, volume thirty-four, page forty-nine), the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and hereafter there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, District of Columbia, which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus. (37 Stat. L., 414, act of Aug. 23, 1912.)

Expenditure for attendance at conventions of associations, or membership thereof forbidden.

SEC. 8. No money appropriated by this or any other act shall be expended for membership fees or dues of any officer or employee of the United States or of the District of Columbia in any society or association or for expenses

of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation. (37 Stat. L., 184, act of June 26, 1912.)

SEC. 10. That section eight of the District of Columbia appropriation act, approved June twenty-sixth, nineteen hundred and twelve, shall not take effect or be operative during the fiscal year nineteen hundred and thirteen, except to the extent that it prohibits the payment of membership fees or dues in societies or associations: *Provided*, That during the fiscal year nineteen hundred and thirteen expenses of attendance of officers or employees of the Government at any meeting or convention of members of any society or association shall be incurred only on the written authority and direction of the heads of executive departments or other Government establishments or the Government of the District of Columbia; and a detailed statement of all such expenses incurred from June thirtieth until December first, nineteen hundred and twelve, shall be submitted to Congress on or before January first, nineteen hundred and thirteen. (37 Stat., 488, act of Aug. 24, 1912.)

Attendance at conventions.

SEC. 13. That the provisions of section eight of the act making appropriations for the District of Columbia approved June twenty-sixth, nineteen hundred and twelve, shall not apply to the appropriations provided by this act. (37 Stat. L., 560, act of Aug. 24, 1912.)

SEC. 39. Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of any thing of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity or in his

Bribery of United States officer.

place of trust or profit, or with intent to influence him to commit or aid in committing or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered and imprisoned not more than three years. (Crim. Code, in effect Jan. 1, 1910. See also sec. 5451, R. S.)

Offer or acceptance of bribe for procuring offices, etc.

SEC. 112. Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified and during his continuance in office, or being an officer or agent of the United States, shall directly or indirectly take, receive, or agree to receive from any person, any money, property, or other valuable consideration whatever, for procuring, or aiding to procure, any contract, appointive office, or place from the United States or from any officer or department thereof, for any person whatever or for giving any such contract, appointive office, or place to any person whomsoever, or whoever, directly or indirectly, shall offer, or agree to give, or shall give or bestow, any money, property, or other valuable consideration whatever, for the procuring, or aiding to procure, any such contract, appointive office, or place, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States. Any such contract or agreement may, at the option of the President, be declared void. (Crim. Code, in effect Jan. 1, 1910. See also sec. 1781, R. S.)

Political assessments and contributions.

SEC. 118. That no Senator, or Representative in, or Delegate or Resident Commissioner to Congress, or Senator, Representative, Delegate, or Resident Commissioner elect, or officer or employee of either House of Congress, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political

purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States. (Crim. Code, in effect Jan. 1, 1910. See also sec. 11, civil-service act.)

SEC. 119. No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section, or in any navy yard, fort, or arsenal, solicit in any manner whatever, or receive any contribution of money or other thing of value for any political purpose whatever. (Crim. Code, in effect Jan. 1, 1910. See also sec. 12, civil-service act.)

Political solicitation in public offices.

SEC. 120. No officer or employee of the United States mentioned in section one hundred and eighteen shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose. (Crim. Code, in effect Jan. 1, 1910. See also sec. 13, civil-service act.)

Change of rank or compensation.

SEC. 121. No officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever. (Crim. Code, in effect Jan. 1, 1910. See also sec. 14, civil-service act.)

Contributions by one officer to another.

SEC. 122. Whoever shall violate any provision of the four preceding sections shall be fined not more than five thousand dollars, or imprisoned not more than three years, or both. (Crim. Code, in effect Jan. 1, 1910. See also sec. 15, civil-service act.)

Penalty.

SEC. 37. If two or more persons conspire either to commit any offense against the United States or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars

Conspiracy.

or imprisoned not more than two years, or both. (Crim. Code, in effect Jan. 1, 1910. See also sec. 5440, R. S.)

"It is claimed by the appellee that to defraud the United States must mean to deprive it of money wrongfully, or of something of money value; and that a falsehood or trick by which its officers are deceived in the matter of selecting those who are to perform work for it could not be a fraud against the United States. We do not agree to this proposition.

"The Civil Service Commission is a legal agency of the United States, created by act of Congress, and through it the President undertakes to find and appoint such persons as may best promote the efficiency of the civil service, and to that end regulations are prescribed by means of which the age, health, character, knowledge, and ability for the branch of the service into which he seeks to enter of each candidate may be fully ascertained.

"If falsehoods are imposed upon the

persons charged with the duty of ascertaining these qualifications, and made to take the place of facts, then the United States is defrauded, is deprived by deceit of the knowledge justly due to its officers in the proper discharge of its business, and it is thereby liable to obtain a less efficient employee.

"We think that the trial court may properly hold that the appellee's alleged conduct, in cooperation with the candidate in this case, in making a false statement as to her past experience constitutes an offense under this section, 5440; and that such attempt at deception, if successfully carried out, would defraud the United States within the meaning of the law." (Palmer v. Colladay, 1901, 18 App. D. C., 433. See also note to U. S. v. Bunting, 1897, 82 Fed., 884, under sec. 28, "Prohibitory Statutes," supra.)

Felonies and misdemeanors defined.

SEC. 335. All offenses which may be punished by death, or imprisonment for a term exceeding one year shall be deemed felonies. All other offenses shall be deemed misdemeanors. (Crim. Code, in effect Jan. 1, 1910.)

CIVIL-SERVICE RULES PROMULGATED BY THE PRESIDENT¹ AND LEGAL DECISIONS, WITH NOTES BY THE COMMISSION.

In the exercise of power conferred by the Constitution, ^{Act, sec. 2, par. 1.} by section 1753, Revised Statutes, and by the civil-service act of January 16, 1883, the President promulgates the ^{Promulgating order.} following rules in lieu of those promulgated May 6, 1896, and the amendments thereof:

"He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments." (Constitution of U. S., Art. II, sec. 2, par. 2.)

"The general rule deducible from this provision [Art. II, sec. 2, of the Constitution] is that, in the absence of an express enactment to the contrary, the appointment of any officer of the United States belongs to the President by and with the advice of the Senate." (Opinion Atty. Gen., June 1, 1911, 29 Op., 116.)

This opinion also held that officers whose appointment is not specifically provided for are to be appointed by the President and confirmed by the Senate, if their designations are such as to indicate that they are to perform all the duties which might be performed by a presidential officer, and that certain technical em-

ployees, the manner of whose appointment is not specifically provided for, are properly to be regarded as clerks rather than officers and as coming under section 169 of the Revised Statutes which authorizes the head of a department to employ such number of clerks, etc., of the several classes recognized by law as may be appropriated for by Congress from year to year.

Congress has power to distribute, at its pleasure, the appointment of inferior officers between the President, courts of law, and heads of departments, or to vest such appointments exclusively in one or two of those depositaries, but it has no power to vest appointments elsewhere directly or indirectly. (Opinion Atty. Gen., Aug. 31, 1871, 13 Op., 516.)

"The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of Congress, and by such legislation he must be governed not only in making appointments, but in all that is incident thereto." (U. S. v. Perkins, Jan. 25, 1886, 116 U. S., 483.)

* * * "The official acts of a previous administration are to be considered by its successor as final, so far as the Executive is concerned. This rule may be regarded as settled." (Opinion Atty. Gen., Mar. 20, 1877, 15 Op., 208.)

RULE I.—POLITICS AND RELIGION.

1. No person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. Per- ^{No interference with elections. Act, sec. 2, cl. 2, par. 6. Amendment of June 3, 1907.}

¹ Promulgated Apr. 15, 1903, and revised to Nov. 15, 1914. A compilation of the civil-service rules, special orders, and classifications from May 7, 1883 (the date of the first rules under the civil-service act of 1883), to Aug. 16, 1902, will be found at page 161 of the Eighteenth Report of the Commission. A further compilation from Aug. 16, 1902, to Feb. 1, 1904, will be found at page 194 of the Twentieth Report, and each subsequent report contains a similar compilation for the year covered by it.

sons who by the provisions of these rules are in the competitive classified service, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns.

Under the regulations for the navy-yard service approved December 7, 1912, unclassified laborers are made subject to dismissal for political activity in the same manner as are competitive classified employees. Similar instructions have been issued by other departments placing the same limitations in regard to political activity on laborers in the unclassified service as are applied to competitive employees.

"Whenever in the opinion of the Secretary of the Navy a strict enforcement of the provisions of section 1, Rule I, of the civil-service rules would influence the result of a local election the issue of which materially affects the local welfare of the Government employees in the vicinity of any navy yard or station, the Civil Service Commission may, on recommendation of the Secretary of the Navy, and after such investigation as it may deem necessary, permit the active participation of the employees of the yard or station in such local election. In the exercise of the privilege which may be conferred hereunder, persons affected must not neglect their official duties nor cause public scandal by their activity." (Executive order, May 14, 1909.)

"Employees of the executive civil service permanently residing in the following incorporated municipalities adjacent to the District of Columbia will not be prohibited from becoming candidates for or holding municipal office in such corporations:

"In Maryland—Takoma Park, Kensington, Garrett Park, Chevy Chase, Glen Echo, Hyattsville, Mount Rainier, Somers.

"In Virginia—Falls Church, Vienna, Herndon.

"In the exercise of the privilege granted by this order, officers and employees must not neglect their official duties and must not engage in national, State, or county political activity in violation of the civil-service rules, and if there is such violation the head of the department or independent office in which the person is employed shall inflict such punishment as the Civil Service Commission shall recommend.

"This order, which is recommended by the Civil Service Commission, is based upon the facts that a considerable number of the residents and taxpayers of the towns mentioned are employed in the

Government service, that service as municipal officers in such towns should in no way involve general partisan political activity, and that the principle of home rule and local self-government justifies such participation." (Executive order Feb. 14, 1912, as amended by order of May 5, 1914, adding Somers.)

Some of the forms of activity held to be forbidden by this provision are: Candidacy for or service as delegate, alternate, or proxy in any political convention, or as an officer or employee thereof; acting as officer of any political convention or caucus, addressing it, making motions, preparing or assisting in preparing resolutions, representing other persons, or taking any prominent part therein; service on or for any political committee or other similar organization; serving as officer of a political club, as member or officer of any of its committees, addressing such a club, or being active in its organization; service in preparing for, organizing, or conducting a political meeting or rally, addressing such a meeting, or taking any other active part therein except as a spectator; giving public expression to political views, engaging in political discussions or conferences while on duty or in public places, or canvassing a district or soliciting political support for any party, faction, candidate, or measure; offensive activity at the polls at primary or regular elections, soliciting votes, assisting voters to mark ballots, or in getting out the voters on registration and election days, acting as accredited checker, watcher, or challenger of any party or faction, assisting in counting the vote, or engaging in any other activity at the polls except marking and depositing the employee's own ballot; serving in any position of election officer; publishing or being connected editorially, managerially, or financially with any political newspaper, and writing for publication or publishing any letter or article, signed or unsigned, in favor of or against any political party, candidate, faction, or measure; activity in campaigns concerning the regulation or suppression of the liquor traffic; candidacy for nomination or election to or holding local office; distribution of campaign literature, badges or buttons, or wearing such badges or buttons while on duty; the circulation but not the signing of political petitions (including initiative and referendum, recall, and nomination

petitions); and general political leadership or becoming prominently identified with any political movement, party, or faction, or with the success or failure of any candidate for election to public office. (Commission's Form 1236, Oct., 1913.)

See President's letter concerning status for reinstatement of persons who resign to engage in political activity; note under Rule IX, p. 103.

2. No question in any form of application or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations, and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened, or promised by any person in the executive civil service against or in favor of an applicant, eligible, or employee in the classified service because of his political or religious opinions or affiliations.

No disclosures of or discrimination on account of political or religious opinions.

Act, sec. 2, cl. 2, pars. 5 and 6.

"Political discrimination consists in giving appointment, promotion, or any other favor to an appointee, eligible, or candidate because of his politics, or withholding appointment, promotion, or any other favor from an appointee, eligible, or candidate because of his politics. An appointing officer who appoints or refuses to appoint an applicant because the applicant does or does not entertain certain political opinions, who makes any inquiry of the applicant or any other person as to the applicant's political opinions or affiliations, or reduces an employee because that employee refuses to render

political service, to be coerced in political action, or to contribute money for political purposes, or who advances or promotes an employee for opposite reasons, violates the civil-service act and rules.

"The removal of a large number of employees of the same political faith from an office will be presumed to have been made for political reasons, and the burden is upon the officer making the removals to show that just cause existed for making each such removal." (Commission's circular No. 1236, Oct., 1913; see also Rule XII and notes, p. 94.)

3. No recommendation of an applicant, eligible, or employee in the competitive service involving a disclosure of his political or religious opinions or affiliations shall be considered or filed by the commission or by any officer concerned in making appointments or promotions.

Recommendations that can not be considered.

"It is the duty of officers concerned in making appointments or promotions to refuse to receive or consider letters disclosing the politics or religion of an applicant, eligible, or employee, and to explain

to the writers that communications based upon such grounds will not receive attention or be filed." (Commission's circular No. 1236, Oct., 1913.)

RULE II.—CLASSIFICATION OF THE SERVICE.

1. The classified service shall include all officers and employees in the executive civil service of the United States, heretofore or hereafter appointed or employed, in positions now existing or hereafter to be created, of whatever function or designation, whether compensated by a fixed salary or otherwise, except persons employed merely as laborers, and persons whose appointments are subject to confirmation by the Senate; but no right of classifica-

Extent of classification.

Act, secs. 6 and 7.

tion shall accrue to persons whose appointment or assignment to classified duties is in violation of the civil-service rules.

* * * "All places in the executive civil service except those mentioned in Schedule A, and except persons employed merely as laborers, and persons whose appointments are subject to confirmation by the Senate, must be appointed as a result of open competitive examination held under the provisions of the law. Congress may, of course, at any time it deems proper, exempt any position or class of positions from the operation of the act, but to do this it must use language indicating clearly and affirmatively its intention that the civil-service rules should not be applied." (Opinion Atty. Gen., Feb. 12, 1908, 26 Op., 507.)

"Persons whose names are reported to the commission in response to this opinion, and who are occupying places whose duties are similar to those of competitive positions, may be classified upon approval by the commission; but may be transferred only when in the opinion of the Civil Service Commission such transfer is required in the interest of the service, and then only after an appropriate examination by said commission. Vacancies shall be filled in accordance with the civil-service act and rules. If said commission finds that any of these places can not be satisfactorily subjected to competitive tests, they may be treated as excepted from examination, and their occupants shall not acquire a competitive status." (Executive order, Oct. 9, 1908.)

An Army officer detailed for duty in a clerical position can not be considered as a member of the "classified service," and after separation therefrom can not be reinstated therein under Rule IX, by reason of his service during the war. (Opinion Atty. Gen., Dec. 20, 1897, 22 Op., 6.)

* * * "The officers and employees of the District of Columbia are not officers and employees of the General Government of the United States, but of the municipal corporation known as the District of Columbia. * * * They are as distinct from the civil service of the United States as would be the officers of any city government in one of the States of the Union from the civil service of the State itself. The provisions of the civil-service act can not lawfully be applied to the officers and employees of the District of Columbia." (Opinion Atty. Gen., Apr. 28, 1898, 22 Op., 59. Affirmed, Opinion Atty. Gen., May 17, 1912.)

Deputy collectors of internal revenue would seem to be officers of the United States, at least in the sense that they are subject to classification under the civil-

service law; but if not officers, they are employees of the United States, and, considered as either, the President has the right to include them in the competitive classified service.

Deputy collectors of internal revenue can not be considered employees of the collector.

* * * "Congress undoubtedly intended that the provisions of the civil-service law, so far as these provided for the organization of a classified service, should be extended to all persons engaged in the legitimate civil work of the executive branch of the Government, whether such persons were or were not technically in the employ of the United States."

* * * "A newly appointed collector of internal revenue has a legal right, upon taking office, to drop from the service any deputy collector in commission and to appoint deputies of his own selection in accordance with the rules of the Civil Service Commission." (Opinion Atty. Gen., Sept. 3, 1907, 26 Op., 363.)

A ruling similar to the above was made with reference to United States deputy marshals on November 30, 1910, by the Comptroller of the Treasury, who held that the term of a deputy marshal expires with that of the marshal who appointed him. If not reappointed, his successor must be chosen under civil-service rules. An act of October 22, 1913, permits the appointment and removal of deputy collectors of internal revenue and deputy marshals without reference to the provisions of the civil-service act and rules. See page 47.

"Hereafter the following procedure shall be strictly observed by officers and employees in the executive civil service in submitting any recommendation affecting the method of appointment to any position or class of positions now included or which may be included in the classified service under the operation of the civil-service act or rules, or proposing any exception to the requirements of the said act or rules, or labor regulations, in either the classified or unclassified service:

"Every recommendation shall be accompanied by a full statement of the reasons therefor, and, if approved by the head of the proper department or independent bureau, shall be referred to the Civil Service Commission, which body shall submit a report thereon to the President.

"No recommendation of the character mentioned shall be submitted by any officer or employee, directly or indirectly,

to Congress or to any committee or Member of Congress, except in the manner herein provided unless such recommendation shall be called for from such officer or employee by the Senate, the House of

Representatives, or the Congress, in which case it shall only be made through or as authorized by the head of the department." (Executive order, Jan. 12, 1910.)

2. No person shall be appointed, employed, promoted, or transferred in the classified service, or perform the duties of any position therein, until he passes an examination in conformity with these rules, unless specially exempted thereunder. ^{Examination required. Act, sec. 7.}

3. Appointments to the excepted positions named in Schedule A¹ of these rules may be made without examination or upon noncompetitive examination; but the proper appointing officer may fill an excepted position as competitive positions are filled, in which case the person appointed will receive all the rights of a competitive employee. ^{Appointments without examination. Act, sec. 2, par. 2.}

* * * "Excepted positions are in the classified service, being merely excepted from examination in connection with appointment." (Minute of commission, Nov. 26, 1910.)

* * * "Employment in the classified service is to be secured through competitive examination, and not otherwise,

in all cases not expressly excepted from the operation of the general rule; and it is in no case to be considered that a position is excepted unless the language relied upon to establish the exception is so plain and unequivocal as to admit of no doubt." (Opinion Atty. Gen., Nov. 25, 1908; 27 Op., 95.)

4. A person appointed without competitive examination under section 3 of this rule shall not be assigned to the work of a competitive position without the approval of the commission. ^{Assignment of excepted employees.}

"When a person is appointed to an excepted place he must perform the legitimate duties of that place and of no other place, unless the duties of the other place

are performed in addition to and not in lieu of the duties of the excepted place." (Minute of commission, Apr. 17, 1894.)

5. Laborers who, in connection with their usual duties, are to perform work of the grade performed by classified employees, shall be appointed upon certification by the commission from appropriate registers of eligibles in the manner provided by these rules; and a person employed merely as a laborer or workman without examination under these rules shall not be assigned to work of the grade performed by classified employees. ^{Assignment of laborers.}

¹ See p. 100.

"No person shall be appointed or employed in any executive department or office for the performance of any service of the character performed by classified employees, except in accordance with the provisions of the civil-service rules; and before making any appointment or employment for service with respect to which there may be reasonable doubt as to the requirement of examination the head of the department or office shall confer with the Civil Service Commission for the purpose of determining whether examination is required, and when such conference does not result in agreement the case shall

be presented to the Attorney General for his opinion." (Executive order, Nov. 29, 1904.)

* * * "Unclassified laborers may be assigned to classified work incidentally, but not as a part of their main work, in cases where such work can not be conveniently and economically done by classified employees, but never without the prior consent of the commission, obtained before such assignment, and with a view to the doing of the particular classified work in question by unclassified employees." (Executive order, Apr. 21, 1909.)

Status of employees in positions becoming classified.

As amended May 26, 1911.

6. Except as provided in section 7 of this rule, a person holding a position when it becomes classified and subject to competitive examination shall have all the rights which he would acquire if appointed thereto upon examination under these rules, but he shall not be transferred without first passing the examination provided by the commission.

"The provision of this section requiring examination before the transfer of a person who entered the service by classification will be construed as applying only to

those transfer cases where the certificate of the commission must be issued." (Minute of commission, May 23, 1903.)

Classification in post offices.

Amendment of May 26, 1911.

7. The Postmaster General shall promptly notify the commission of each order for the advancement of any post office from the third class to the second class, or for the consolidation of any post office with one in which the employees are classified as competitive. On the date of effect of such order these rules shall apply to the positions, officers, and employees, of the offices affected, in the same manner as they apply to those in offices now classified, and all appointments after an eligible register has been established shall be made by selection from the register; but no officer or employee in any post office shall be classified under the terms of this section who fails to establish to the satisfaction of the Postmaster General his capacity for efficient service in the position held; and if he has been appointed within less than sixty days prior to the application of these rules to such office he shall not be classified without the express consent of the commission. The Postmaster General shall, upon the date he reports the advancement of any post office from the third to the second class, or as soon thereafter as is practicable, notify the commission as to which of the employees in said office he desires to report for classification.

"Assistant postmasters and clerks in post offices advanced from the third to the second class will be considered as having a status for classification, subject to section 7, Rule II, regardless of whether they were paid out of allowances of the department or out of the personal funds of postmasters while the office was in the third

class. Appointments in offices of the third class are not reported to the department, and allowances and commissions to postmasters are intended to cover the cost of all clerical assistance necessary in the conduct of the money order business." (Minute of commission, Jan. 22, 1912.)

8. Whenever the separate office of Indian agent shall be discontinued in any agency, and his duties devolved upon the superintendent of the training school, the agent may be made a classified employee at such school or agency upon such test of fitness as may be determined upon by the Secretary of the Interior and the commission.

Classification of Indian agent.

9. A retired Army officer may be appointed as superintendent of an Indian school without competitive examination upon the request of the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, setting forth that such officer has the required educational and business qualifications for such position, and accompanied by the authenticated military record of said officer. The commission will then issue the necessary certificate.

Retired Army officers may be appointed superintendents of Indian schools. Amendment of Mar. 3, 1905.

10. Whenever the commission shall find that the duties or compensation of a vacant position are such, or that qualified persons are so rare, that, in its judgment, such position can not, in the interest of good civil-service administration, be filled at that time through open competitive examination, it may authorize such vacancy to be filled without competitive examination; and in any case in which such authority may be given, evidence satisfactory to the commission of the qualifications of the person to be appointed without competitive examination shall be required. A detailed statement of the reasons for its action in any case arising hereunder shall be made in the records of the commission and shall be published in its annual report. Any subsequent vacancy in such position shall not be filled without competitive examination except upon express authority of the commission in accordance with this section.

Amendment of July 25, 1914.

Whenever the commission sees fit to limit employment authorized under this section, such limitation should be observed by the appointing officer and authority for any extension beyond that period should be obtained from the

commission; when no time limit is placed in the authorization it is to be understood that the employment may continue as long as necessary to accomplish the purpose for which it was made. (Minute of commission, Feb. 25, 1914.)

RULE III.—EXAMINATIONS.

Competitive
examinations.
Act, sec. 2, cl. 2,
par. 1.
Act, sec. 3.

1. The commission shall prepare and hold open competitive examinations for admission to the classified service, which examinations shall be of a practical and suitable character, and shall be held at such times and places as may most nearly meet the convenience of applicants and the needs of the service.

The application and examination papers or other records of the civil-service examiners are official records or papers of the President or of a head of a department, and the production of such papers can not be compelled by the courts whenever the general public interest is paramount to the interest of private suitors.

Whether the general public interest forbids the production of such record or paper in court is a question not for the

judge, but for the President or head of the department having legal custody thereof. (Opinion Atty. Gen., Mar. 31, 1893, 20 Op., 557.)

The records of the executive departments are quasi confidential in their nature, and must be classed as privileged communications which can not be compelled by a court as evidence without express authority of law. (Opinion Atty. Gen., Jan. 9, 1905, 25 Op., 326.)

Noncompeti-
tive examina-
tions.

Amendment of
Mar. 23, 1910.

2. Where, in its opinion, the conditions of good administration warrant, the commission may give noncompetitive examinations to test fitness for (a) transfer, reinstatement, or promotion; and (b) appointment to the positions named in Schedule B of these rules.

RULE IV.—BOARDS OF EXAMINERS.

Appointment
and duties.
Act, sec. 3.

1. The commission shall designate from among persons in the Federal service, after consulting the head of the department or office in which such persons serve, such boards of examiners as it may deem necessary. Their members shall perform such duties as the commission may direct, in connection with the execution of the civil-service act and of these rules, and in the performance thereof they shall be under the direct and sole control of the commission. Such duties shall be considered part of the duties of the office in which they are serving, and time shall be allowed therefor during office hours. No board shall be composed solely of adherents of one political party when other persons are available and competent to serve.

Commission may assign member of Board of Examiners to any appropriate duties in execution of act and rules, and such assignment may be for duty at his headquarters or temporarily away therefrom but not outside State in which he resides. (Opinion Atty. Gen., June 30, 1914.)

"The boards of civil-service examiners are selected by the Civil Service Commission, and though subordinate to the commission, may properly be regarded as officials of the respective department in connection with which they act." (Opinion Atty. Gen., Mar. 31, 1893, 20 Op., 557.)

Philippine civil
service.

2. The commission shall render all practicable assistance to the Philippine civil-service board, and shall conduct examinations, upon its request, under such regulations as may be jointly agreed upon.

3. Persons in the executive civil service shall facilitate the holding of examinations and other work of the commission; and executive officers in charge of public buildings shall permit and arrange for the use of suitable rooms under their charge, and for heating, lighting, and furnishing the same.

Executive officers to facilitate examinations.
Act, sec. 2, cl. 1, and sec. 3.

RULE V.—QUALIFICATIONS OF APPLICANTS.

1. No person shall be admitted to examination unless he be a citizen of or owe allegiance to the United States: *Provided*, That when an examination has been duly announced to fill a vacancy and there is a lack of eligibles who are citizens, the commission may, in its discretion, examine persons who are not citizens, but they shall not be certified for appointment so long as citizens are eligible.

Citizenship.

Amendment of July 26, 1914.

"The undisputed attitude of the executive and legislative departments of the Government has been, and is, that the native inhabitants of Porto Rico and the Philippine Islands did not become citizens of the United States by virtue of the cession of the islands by Spain by means of the treaty of Paris. * * * The act for the temporary government of Porto Rico did not confer upon the inhabitants of that island Federal citizenship, but denominated them citizens of Porto Rico." (Opinion Atty. Gen., Jan. 23, 1901, 23 Op., 370.)

"There is nothing in the recent decisions of the Supreme Court (in the insular cases) that would modify the view taken by the Attorney General (*supra*) regarding the proposed amendment to the civil-service rules that "every applicant for examination for appointment to the executive civil service of the United States in Porto Rico

must be a citizen of the United States or a citizen of Porto Rico. Every applicant for appointment to said service in the Philippine Islands must be a citizen of the United States or a native inhabitant of said islands." (Opinion Atty. Gen., June 18, 1901, 23 Op., 458.)

"The requirements as to citizenship may be waived for applicants for positions on the Isthmus of Panama under such regulations as may be provided by the commission." (Executive order, Dec. 8, 1904.)

"The requirements as to United States citizenship may be waived for applicants for examination for the positions of officers of ships of the Coast and Geodetic Survey on duty in the Philippine Islands, under such regulations as may be provided by the commission." (Executive order, Feb. 15, 1905.)

2. Application for examination must be made under oath, in such form and manner and accompanied by such certificates as the commission may prescribe.

Form of application.
Act, sec. 2, cl. 2 par. 1.

"All persons are required to make a proper application for appointment under civil-service laws. The examination is not the only statutory requirement. * * * The authorities may require all appli-

cants to verify such applications, and perjury may be committed in making oath to them." (Am. and Eng. Encycl. of Law, "Civil Service." See also *Johnson v. U. S.*, Oct., 1905, 26 D. C. App., 128.)

3. Persons serving under enlistment shall not be examined without the written consent of the head of the department under which they are serving.

Enlisted men.

4. The commission may refuse to examine an applicant or to certify an eligible for any of the following reasons:
(a) Dismissal from the service for delinquency or misconduct within one year next preceding the date of his appli-

Disqualifications.

cation; (b) physical or mental unfitness for the position for which he applies; (c) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (d) intentionally making a false statement in any material fact, or practicing any deception or fraud in securing examination, registration, certification, or appointment; (e) refusal to furnish testimony as required by Rule XIV; (f) the habitual use of intoxicating beverages to excess. Any of the last five foregoing disqualifications shall also be good cause for removal from the service.

"The commission would recognize the removal of an employee who resigns without due notice, to the embarrassment of the service, as a removal for delinquency or misconduct, which under the rules would bar him from examination or reinstatement for one year." (Minute of commission, June 22, 1904.)

"Deaf mutes may be admitted to examinations for all places in the classified civil service of the United States whose duties, in the opinion of the heads of the several executive departments, they may

be considered capable of performing, and each department will furnish to the Civil Service Commission a list of such positions, which list shall not be changed without previous notice to the commission and in accordance with which the commission shall certify or withhold from certification deaf mutes as they are reached in their order." (Executive order, Apr. 7, 1909. See also Twenty-sixth Report, p. 40, for a list of positions available for deaf-mutes which is also contained in the Commission's circular Form 1786.)

Age limits.

5. The commission may, with the approval of the proper appointing officer, change by regulation the existing age limits for entrance to the examinations under these rules; but persons preferred under section 1754, Revised Statutes, may be examined without regard to age.

Trades positions.

6. Applicants for positions in the recognized mechanical trades must have served as apprentices or journeymen for such periods as the commission may prescribe.

RULE VI.—RATINGS AND ELIGIBILITY.

Rating.

1. Examination papers shall be rated on a scale of 100, and the subjects therein shall be given such relative weights as the commission may prescribe. Competitors shall be duly notified of their ratings.

Eligible registers.

2. All competitors rated at 70 or more shall be eligible for appointment, and their names shall be placed on the proper register according to their ratings; but the names of persons preferred under section 1754, Revised Statutes, rated at 65 or more, shall be placed above all others.

Jurisdiction to determine the eligibility of an applicant for appointment in the classified service lies with the Civil Service Commission. (Opinion Atty. Gen., Aug. 1, 1910, 23 Op., 393.)

* * * "Whenever an examination has been duly announced and no eligible

is secured to fill a vacant position, the commission may, in its discretion, certify for appointment the competitor or competitors who received the highest ratings in the examination, and the appointing officer shall make selection from such certification if he deems it advisable to fill

the vacant position before awaiting the result of another examination." (Executive order, June 13, 1906.)

"It was the purpose of Congress to make it the *duty* of those making appointments for civil offices to give a preference, other things being equal, to the class of persons named in this section. * * * The matter of capacity and personal fitness for the place is for the determination of the appointing power." (Opinions, Atty. Gen., May 24, 1889, and June 5, 1902, 19 Op., 318; 24 Op., 64.)

"All persons who have passed the necessary examination are, under the civil service act and rules, presumed to be equally qualified for the office which they seek. Their rating simply determines the order in which they shall be certified for appointment." * * * Preference under 1754, R. S., is not subject to the law of apportionment, and extends over all others on the eligible list irrespective of their rating. (Opinion, Atty. Gen., May 12, 1910, 28 Op., 298.)

3. The term of eligibility shall be one year, beginning ^{Term of eligi-} with the date on which the name of the eligible is entered ^{bility.} on the register. This term may be extended, in the discretion of the commission, for all those on any register, when the conditions of good administration render it inexpedient to hold a new examination.

RULE VII.—CERTIFICATION.

1. Any position or employment in the classified service ^{Method of fill-} not excepted from competitive examination, unless filled ^{ing vacancies.} by reinstatement, transfer, promotion, or reduction, shall be filled in the following manner:

(a) The nominating or appointing officer shall request ^{Certification.} the certification of eligibles, and the commission shall certify, from the head of the register of eligibles appropriate for the group in which the position or positions to be filled are classified, a number of names sufficient to permit the nominating or appointing officer to consider three names in connection with each vacancy. When so ^{Amendment of} provided by regulation of the commission, selection shall ^{Apr. 28, 1910.} be made from the register by the nominating or appointing officer without preliminary certification of the commission. Certification of an eligible for temporary appointment shall not affect his certification for probational appointment. Certifications shall be made without regard to sex unless sex is specified in the request.

For provision relative to selection from a register containing less than three names see Rule VIII, section 3.

The certificate delivered to an appointing officer by the subordinates of the Civil Service Commission is a complete authority to such officer to make any selection he may desire therefrom and is a complete protection to the appointee. (Opinion Atty. Gen., May 1, 1896, 21 Op., 335.)

* * * "Certifications of persons for

appointment to positions with salaries materially lower than the usual entrance salary will be made on the condition that such persons are not to be promoted within six months after appointment, unless at the time of or since appointment their names would have been within reach for certification at the salary to which promotion is proposed." (Minute of commission, Dec. 2, 1908.)

Selection.

Amendment of
Apr. 28, 1910.

(b) The nominating or appointing officer shall make selection for the first vacancy from not more than the highest three names certified, or on the register, with sole reference to merit and fitness, unless objection shall be made, and sustained by the commission, to one or more of the persons certified, for any of the reasons stated in Rule V, section 4. For the second vacancy he shall make selection from not more than the highest three remaining, who have not been within his reach for three separate vacancies, or against whom objection has not been made and sustained in the manner indicated. The third and any additional vacancies shall be filled in like manner. More than one selection may be made from the three names next in order for appointment, or from two names if the register contains only two, subject to the requirements of section 2 of this rule as to the appointment. Any eligible who has been within reach for three separate vacancies in his turn may be subsequently selected, subject to the approval of the commission, from the certificate on which his name last appeared, if the condition of the register has not so changed as to place him in other respects beyond reach of certification.

In making certification from the register of an eligible who at the time of certification is employed under the Government, the commission will notify the department to which he is certified that the eligible should not be required to enter upon duty for a period of 30 days after appointment except upon the approval of the head of the department in which he is working. (Minute of commission, Apr. 7, 1903.)

An act of Congress or a rule promulgated by the President may require that the selection shall be made from persons found by an examining board to be qualified in such particulars as diligence, scholarship, integrity, good manners, and attachment to the Government. The appointing power would still have scope for the exercise of its own judgment and will. (Opinion Atty. Gen., Aug. 31, 1871, 13 Op., 516.)

The Comptroller of the Treasury will not go behind the certificate of the appointing power to ascertain whether the civil service rules and regulations have been complied with in the employment of persons in the classified civil service. (Decision Compt. Treas., Apr. 1, 1899, 5 Dec., 649.)

The head of a department has no authority to withdraw his notice to the Civil Service Commission of his revocation of a selection for appointment and

appoint the same party previously certified without further certification from the commission. (Opinion Atty. Gen., Apr. 8, 1891, 20 Op., 64.)

"Hereafter paragraphs (a) and (b) of section 1 of civil service Rule VII shall apply to the appointment of rural carriers, and three eligibles shall be certified by the Civil Service Commission.

In all cases selections shall be made with sole reference to merit and fitness and without regard to political considerations. No inquiry shall be made as to the political or religious opinions or affiliations of any eligible, and no recommendation in any way based thereon shall be received, considered, or filed by any officer concerned in making selections or appointments. Any such recommendations in writing forwarded to any such officer shall be at once returned to the writer with attention invited to the purport of this order, and attention hereto shall be similarly directed in connection with any verbal recommendation. Where it is found that there has been a violation of these provisions by any officer concerned in making selections or appointments, such fact shall be cause for the immediate removal of such officer from the service, and the commission shall make prompt report of any such case for appropriate action to the Postmaster General, or, as to presidential appointees,

to the President. The appointment of the rural carrier concerned, if effected, shall be canceled.

Persons employed as rural carriers, while retaining the right to vote as they please, and to express their opinions privately on all political subjects, shall take no active part in political management or

in political campaigns. Any rural carrier taking such part shall be removed from the service or otherwise disciplined, recommendation as to the penalty to be imposed in each case to be made by the Civil Service Commission." (Executive order, Dec. 30, 1911.)

(c) The person selected for appointment shall be duly notified by the appointing officer, and upon accepting and reporting for duty shall receive from such officer a certificate of appointment. The first six months under this appointment shall be a probationary period; but the commission and the department concerned may, by regulation, fix the probationary period at one year for any specified positions. If and when, after full and fair trial during this period, the conduct or capacity of the probationer be not satisfactory to the appointing officer, the probationer shall be so notified in writing, with a full statement of reasons, and this notice shall terminate his service. His retention in the service beyond the probationary period confirms his absolute appointment.

Probationary appointment.
Act, sec. 2, cl. 2, par. 4.
As amended May 3, 1912.

A probationer separated from the service without delinquency or misconduct may be restored to the register of eligibles in the discretion of the commission for the remainder of his period of eligibility.

Absolute appointment.
Amendment of July 25, 1914.

"The claimant's contention that because he had passed a civil service examination and, pursuant to the rules prescribed by the Executive, had been appointed for a probationary period of six months, therefore his discharge prior thereto was a violation of such rule, can not be sustained, as neither the statute authorizing appointments, nor the rules promulgated by the Executive governing the same, cast upon the Government the obligation to continue the employment of such a one when his services are not needed, much less when he is incompetent for the performance of the duties for which he was appointed. * * * No vested right is acquired by the incumbent of an office by virtue of such regulation.

"Paragraph 4 of section 2 of the civil service act of January 16, 1883, provides for 'a period of probation before any abso-

lute appointment or employment' is made; and therefore it may be said that the Executive regulation fixing the probationary period at six months has the force of law, yet neither the statute nor the regulation can be construed to bind the Government to retain in its employ an appointee who is found inefficient." (Rugles v. U. S., 1910, 45 Ct. Cls., 88.)

The probationary period for post-office clerks and carriers begins upon their promotion to the regular roll and not at the date of original appointment as substitutes. (Minute of commission. Dec. 19, 1903.)

An irregularity in the certification of the name of an eligible for appointment under the civil service is cured by the probational and absolute appointment of such a person. (Opinion Atty. Gen., Jan. 9, 1896, 21 Op., 289.)

2. Certification for appointment in the departments or independent offices at Washington shall be so made as to maintain, as nearly as the conditions of good administra-

Apportionment.
Act, sec. 2, cl. 2, par. 3.

Exceptions
from apportion-
ment.

Amendment of
Sept. 18, 1909.

tion will warrant, the apportionment of such appointments among the several States and Territories and the District of Columbia upon the basis of population: *Provided*, That appointments to the following-named positions shall not be so apportioned, viz, plate printer, printer's assistant, skilled helper, and operative in the Bureau of Engraving and Printing; positions in the field service of the military staff departments and at Army headquarters, mail-bag repair shop, and mail-lock repair shop, Government Printing Office, and local offices in the District of Columbia; apprentice, student, gardener, engraver, carpenter, cabinetmaker, painter, plumber, plumber's helper, electric wireman, electric lineman, electrician's helper, and messenger boy.

"While it is the undoubted duty of the executive branch of the Government to give proper effect to this requirement of Congress, it is a very different thing to say that an appointment made in disregard of this rule of apportionment through a mere inadvertence is to fail entirely and be treated as a nullity. * * *

"Congress did not intend that * * * where everything was done in good faith, an inadvertent disregard of the rule of apportionment in making an appointment should annul that appointment. * * * The statute is directory only in the above particular." (Opinion Atty. Gen., Dec. 10, 1891, 20 Op., 274.)

An eligible who has been allowed preference under section 1754, Revised Statutes, will be certified without regard to the apportionment, the Attorney General having held, May 12, 1910 (28 Op., 298), that preference under section 1754, Revised Statutes, is not subject to the law of apportionment.

Under the exception of "local offices in the District of Columbia," the commission has placed employees of the National Zoological Park (minute of Oct. 7, 1903), and positions in the Office of Instruction of Young Officers in Marine Engineering whose salaries are paid from an appropriation separate from that for the Navy Department proper. (Minute of July 16, 1906.)

The residence and domicile restrictions contained in the first proviso of section 7 of the census act approved July 2, 1909, apply only to the examinations for the apportioned service of the Government at Washington. (Opinions, Atty. Gen., Aug. 18 and Nov. 15, 1909, 27 Op., 546; 28 Op., 78.)

The Attorney General held June 17, 1910 (28 Op., 348), that a person serving in an apportioned position is not

subject to the residence and domicile restrictions of the act of July 2, 1909 (36 Stat., 1).

"Hereafter all persons entering apportioned positions, whether through examination, by Executive order, legislative enactment, or otherwise, except those entering such positions under the temporary appointment rule, will be called upon to furnish proof of residence, and thereupon shall be charged to the apportionment; and all persons already in the apportioned service but not charged to the apportionment whose status is changed from one position to another in such service upon the certificate of the commission shall before such change of status is authorized be required to furnish proof of residence and shall likewise be charged to the apportionment; and all persons already in the apportioned service but not charged to the apportionment who file with the commission applications for promotion or other change of status in such service shall be required in connection with such applications to furnish proof of residence, and when such proof is so filed in the case of any person he shall be charged to the apportionment. The proof of residence shall consist of the usual personal affidavit, the usual citizens' vouchers, and the county officer's certificate under the act of July 11, 1890." (Minute of commission, Apr. 1, 1910.)

Draftsmen in the Ordnance Department paid from appropriations for field service but performing their duties in the Ordnance Department at Washington are within the apportioned service. (Minute of commission, Apr. 28, 1910.)

See also Rule IX and Rule X, sec. 8, cl. c and notes, for provisions relative to apportionment in reinstatements and transfers.

3. The commission may arrange the territory of the United States into appropriate districts for the purpose of certification to positions in parts of the service not subject to the apportionment, and certification to any such position may be confined to residents of the district in which such position is located. ^{Certification by districts.}

RULE VIII.—TEMPORARY APPOINTMENT.

1. Temporary appointment without examination and certification by the commission shall not be made to a competitive position in any case except when the public interest so requires, and then only upon the prior authorization of the commission; and any appointment so authorized shall continue only for such period as may be necessary to make appointment through certification of eligibles, and in no case without prior approval of the commission shall extend beyond 30 days from receipt by the appointing officer of the commission's certificate; and when a vacancy is to be filled by promotion or transfer for which the commission's certificate is not required and a temporary appointment is authorized by the commission under the provisions of this section pending the promotion or transfer, such temporary appointment shall in no case continue beyond the period of 30 days without prior approval of the commission. ^{Appointment pending regular filling of vacancy.}

When a temporary appointment is proposed under this section a statement of the action taken toward making a permanent appointment to the position must be given. (See sec. 5 of this rule.)

In positions in the departments in Washington, appointments under section 1 can only be made with the prior consent of the commission and from the commission's eligible lists when there are eligibles available for temporary service, and in case there are no eligibles the commission may require the person proposed for temporary appointment to pass an appropriate examination prior to the authorization of his appointment. The passing of such examination shall not, however, give such person a status in the classified service, but shall be regarded simply as a test of fitness for the position to be temporarily filled. Such examination shall be made special, with a view to an immediate determination of eligibility. (Minute of commission, Feb. 7, 1908.)

"In positions outside of Washington which are not under the district system

and which are not provided for by special regulations, general authority to constitute the prior authorization of the commission is given for making appointments under the terms of section 1 for periods not to exceed thirty days, and in the Forest and Indian Services for an extension for a similar period of thirty days. The prior authority of the commission is required for any extensions beyond those here enumerated. All such appointments and extensions must be reported by letter when made. Services for which special regulations have been adopted are governed by these regulations." (Commission's circular No. 1729, June, 1909.)

The provision of section 9 of the civil-service act "that whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible for appointment to any of said grades" is held to apply to temporary appointments. (Minute of commission, Dec. 9, 1908.)

Appointment
pending register
when there are no
eligibles.

2. When there are no eligibles upon a register for any grade in which a vacancy exists and the public interest requires that it be filled before eligibles can be provided by the commission, then the commission may authorize temporary appointment without examination. Such appointment shall continue only for such period as may be necessary to make appointment through certification and in no case without prior approval of the commission shall extend beyond thirty days from the receipt by the appointing officer of the commission's certification of eligibles.

"Temporary appointments pending the establishment of a register when there are no eligibles available for certification for filling a vacancy outside of Washington, D. C., in services not under the district system and not covered by special regulations, may be approved in each case on condition that the person so appointed enter the examination when announced and that each such appointment

be promptly reported to the commission as made." (Minute of commission, Feb. 19, 1908.)

"When the position is in Washington, the prior consent of the commission must be obtained and the person temporarily appointed must enter the examination." (Commission's circular No. 1729, June, 1909.)

Appointment
from registers of
one or two eligi-
bles, pending full
certification.

3. When there is at least one eligible and not more than two eligibles on a register for any grade in which a vacancy exists, the commission shall, upon requisition from the proper appointing officer, certify the name of the one eligible or the names of the two eligibles, which shall be considered by the appointing officer with a view to probational appointment; and if the appointing officer shall elect not to make probational appointment from such certificate of less than three names, then if temporary appointment is required it shall be made from such certificate unless reasons satisfactory to the commission are given why such appointment should not be made. Such temporary appointment may continue until three eligibles are provided. If selection is not made from the certificate for either probational or temporary appointment under the provisions of this section, then temporary appointment, if required, may be made under the provisions of section 2 of this rule.

Job
employ-
ment.

4. When there is work of a temporary character, at the completion of which the services of an additional employee will not be required, a temporary appointment may be made with the prior consent of the commission for a period not to exceed three months, and may with like consent of the commission be extended for a further period of three months. Such temporary appointment shall be made through certification from the commis-

sion's eligible registers unless the commission shall decide in any case that there are no available eligibles. Such temporary appointment shall not extend beyond six months unless there are no eligibles available for the additional period or under unusual circumstances which seem to the commission to justify an extension beyond six months; and in no case shall such temporary appointment extend beyond six months for any purpose other than to complete the job of work for which the person was originally employed. The commission may restrict certification for temporary appointment to such eligibles as by reason of residence or other conditions are immediately available.

"For every appointment made under this paragraph of the rule, prior authority of the commission must be obtained except in those cases where general authority is granted by the regulations. In positions in the departments at Washington the commission will certify eligibles for a temporary appointment whenever they are available." (Commission's circular No. 1729, June, 1909.)

In all outside services or offices for positions for which registers are not maintained by local boards, but for which certification is issued directly from the commission, where a special work or job will be completed in 30 days or less, general authority to constitute the prior consent of the commission is given for temporary appointment, but such appointments must be reported by letter to the commission when made. (Minute of commission, Mar. 25, 1905.)

"General authority is given for the extension beyond three months for an additional period not to exceed three months of all original appointments made through certification from the commission's register or authorized by the commission for three months in the absence of eligibles, for service outside of Washington, D. C.; but all such extensions beyond three months shall be reported to the commission by letter when made, and in no case shall any appointment extend beyond a period of six months unless prior consent of the commission is secured. Three months' appointments made under section 4 of Rule VIII in Washington, D. C., may be extended for an additional period of three months only by the consent of the commission previously given in each case." (Minute of commission, Feb. 9, 1910.)

5. The acceptance of an eligible of a temporary appointment shall not affect his standing on any register for permanent employment, and experience gained as a temporary appointee shall in no way vary the order of certification for permanent appointment. A temporary appointment may be made permanent when the temporary appointee is within reach for permanent appointment at the time of his temporary appointment or in case he is so within reach during his temporary service. In such case the probational appointment may date from the time when he became within reach for probational appointment. A person who has been temporarily employed under the provisions of one section of this rule shall not for that reason be ineligible for employment under any other section. Any appointment under sections 1, 2, or 3 of this rule shall be promptly reported by letter to the commission, as made, with a statement of

Temporary appointment does not affect eligibility for permanent appointment.

Conditions under which temporary appointment may be made permanent.

the action taken for making permanent appointment.

Commission may inspect records of department. The commission is authorized to inspect the records of any department or office to aid it in observing and enforcing the operation of the provisions of this rule and reporting thereon to the President.

RULE IX.—REINSTATEMENT.

Manner and place of.

A person separated without delinquency or misconduct from a competitive position, or from a position which he entered by transfer or promotion from a competitive position, may be reinstated in the department or office in which he formerly served, upon certificate of the commission, subject to the following limitations:

Time limit, with exceptions.

(a) The separation must have occurred within one year next preceding the date of the requisition of the nominating or appointing officer for such certificate; but this limitation shall not apply to a person who served in the Civil War or the War with Spain and was honorably discharged, or his widow, or an Army nurse of either war.

Examination for.

(b) No person may be reinstated to a position requiring an examination different from that required for the position from which he was separated without passing an appropriate examination.

* * * "The question of reinstatement is one of administrative discretion, and not to be granted except when consistent with the interests of the public service." (Opinion Atty. Gen., Aug. 27, 1902, 24 Op., 103.)

By Executive order of April 4, 1908, an employee of the Life-Saving Service who lost his health as an incident to his heroic conduct in saving life was excepted from the time limit of one year for reinstatement and allowed appointment to a position the duties of which he was competent to perform, and it was directed that this case was to be treated as a precedent to be followed in similar cases. (See Twenty-fourth Report, p. 135.)

A clerk who resigned from the War Department June 30, 1888, and was reappointed to a clerkship in the same department November 2, 1888, but failing to accept of such reinstatement the appointment was canceled January 28, 1889, is not eligible to certification for reinstatement after one year from the date of his resignation. (Opinion Atty. Gen., Oct. 26, 1889, 19 Op., 416.)

Rule IX, allowing reinstatement of "a person separated without delinquency or misconduct from a competitive position," means separation from a position competitive at the time of the request for reinstatement, and not that it must have

been so at the time of separation. (Opinion Atty. Gen., June 13, 1906, 25 Op., 618.)

Reinstatements to apportioned positions are charged to the States in which the persons reinstated prove legal residence at the time of reinstatement, regardless of their legal residence at the time of their separation from the service. (Minute of commission, July 20, 1899.)

A person reinstated to an apportioned position within a year from the date of separation will not be required to prove legal residence if he claims residence in the same State from which originally appointed and had proved same. (Minute of commission, May 12, 1898.)

A person separated from the nonapportioned service may be reinstated in the apportioned service of the same department, subject to the limitations of clauses (b), (c), (d), and (e) of section 8, and section 9 of Rule X. (Minute of commission, July 11, 1903.)

The actual reappointment of a person may take place after the expiration of one year from the date of separation, if the requisition is made within one year, and the vacancy exists or is about to occur at the time of such requisition. But this must not be construed as extending the privilege of appointment longer than is reasonably required for the necessary

action. There is no authority for holding that a new term of eligibility begins after a certificate for reinstatement is issued. (Commission's circular No. 126, Sept., 1912.)

A person who was separated during or at the end of his probationary period for a cause which does not constitute delinquency or misconduct may be reinstated, but only for the purpose of completing the probationary period or receiving absolute appointment, as there can be but one period of probation. (Commission's circular No. 126, Sept., 1912.)

The removal rule provides that penalties like in character shall be imposed for like offenses, and a person removed for delinquency or misconduct of a sort which does not usually result in removal should obviously be reinstatable; otherwise the provision of the reinstatement rule would prevent the correction of action taken in contravention of the removal rule. A department in proposing the reinstatement of an employee removed for delinquency or misconduct should state that the charges were not true, that they did not justify removal, or that a similar punishment would not in general be imposed for a similar offense. (Minute of commission, Mar. 18, 1907.)

When discharge is for inefficiency not due to delinquency or misconduct, and it is desired to give further trial on work of a character better fitted to the abilities of the employee, a certificate for reinstatement will issue. (Minute of commission, Nov. 13, 1900.)

The fact that there is no record in a department showing that a separation was without delinquency or misconduct can not be accepted as conclusive, nor can a person be reinstated on condonation of the delinquency or misconduct that occasioned his separation. A reinstatement can not be made by a mere revocation of the order of dismissal. (Commission's circular No. 126, Sept., 1912.)

A woman claiming right to reinstatement as the widow of a soldier must prove the death of the soldier and that she is his widow. A woman who remarries after the death of her husband is no longer his widow. Separation from the service before marriage to the soldier does not debar her from the privilege conferred by the rule. (Commission's circular No. 126, July, 1909.)

The Civil War opened on April 15, 1861, and closed on August 20, 1866. Service between those dates, whether on the frontier or elsewhere, and whether or not in any State or part of the country in actual rebellion, will be regarded as service in the Civil War. (Minute of commission, Apr. 13, 1899.)

The War with Spain began April 21, 1898, and terminated April 11, 1899.

The Philippine insurrection, which grew out of that war, terminated July 4, 1902. Military service after July 4, 1902, will not be accepted by the commission as a basis for allowing reinstatement without regard to the year limitation. (Minutes of commission, Oct. 17 and Oct. 29, 1907.)

A reinstatement under which little or no service is performed, made for the purpose of prolonging the period of eligibility for reentrance to the service in defeat of the rule, can not be recognized as valid, and under the opinion of the Attorney General of October 26, 1899 (19 Op., 416), the commission may refuse to issue a certificate for further reinstatement. (Minute of commission, Aug. 3, 1909.)

"An original appointment under which little or no service is performed, made for the purpose of permitting the entrance of the appointee to the service by reinstatement after conditions have so changed that the person would not be within reach of certification for original appointment, can not be recognized as affording a basis for reinstatement to the service." (Minute of commission, Aug. 17, 1910.)

The provision of section 9 of the civil-service act "that whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible for appointment to any of said grades," is held to apply to reinstatements. (Minute of commission, Dec. 9, 1908.)

"I am of opinion that in accord with the spirit of our institutions in recognizing the fundamental right of citizenship, a citizen who resigns to become a candidate for office and pursues a course free from coercion, bribery, or other scandalous or unlawful conduct should not thereby be prejudiced by being refused reinstatement within the period of eligibility prescribed by the rules; nor do I think any distinction should be made between the person who resigns and becomes a candidate and one who resigns, not to be a candidate, but to manage or take part in a political campaign for a party. If he wishes to run the risk of finding an executive who will reinstate him, and he resigns in order to avoid a violation of the rules as to participation in electoral contests by members of the classified service, I do not see why it should demoralize the service to allow him to resign and run the risk of securing the approval of his reinstatement by the executive within a year after he has resigned." (President's letter, Dec. 26, 1911.)

RULE X.—TRANSFER.

Transfers shall be governed as follows:

Subordinate to promotions.

1. No transfer shall be made to a competitive position above the lowest class in any grade unless the appointing officer shall certify that the position can not be adequately filled by promotion; but the commission may, with the approval of the head of any department, adopt regulations applicable to the service in or under such department declaring what class shall be regarded as the lowest in any grade.

"A transfer from one department to another can be made only upon the request of the head of the department to which the transfer is proposed to fill an existing vacancy in that department. The consent of the head of the department in which the person is employed must be obtained. The commission can not undertake to decide the permissibility of the transfer or whether an examination will be necessary until such consent is given and requisition made by the head of the department to which the transfer is proposed. The commission can take no action on requests of individuals for approval of their transfer, and no register of persons eligible for transfer is kept. A person seeking transfer should therefore address his request to the head of the executive department (preferably through the official in charge of the particular office) to which he desires to be transferred.

"No specific authority for transfers is found in the civil-service act, and they are allowed only as necessary exceptions to open competition. The rules are intended to impose restrictions which will confine transfers within the fundamental provisions of the act; that is, that they shall be warranted by the conditions of good administration and have regard to the rights of competitors and employees without making a privileged class of the latter." (Commission's circular No. 305, September, 1912.)

Where the transfer involves a promotion the requirements of the promotion rule and regulations should be observed. (Minute of commission, Dec. 22, 1899.)

No exception is made in the law or rules in the case of transfers involving mutual exchanges of positions. Hence the same restrictions apply as in individual transfers. (Minute of commission, Oct. 17, 1906.)

From exempted to competitive position.

2. No person appointed without competitive examination to a position classified at the time of such appointment, and no person serving in an unclassified position or in a position named in Schedule A or Schedule B, not appointed by competitive examination, or by transfer or promotion from a competitive position, shall be transferred to a competitive position, except as hereinafter provided in this rule and in Schedule A.

Persons appointed through Executive order without examination have all the rights and privileges of persons appointed

through competitive examination. (Minute of commission, Apr. 6, 1904.)

Retransfer.

3. Any person may be retransferred to a position in which he was formerly employed, or to any position to which transfer could be made therefrom, if since his transfer he has been continuously in the executive or judicial civil service of the United States or of its insular possessions; or, if he entered the classified service upon competitive examination and the legislative service by transfer therefrom, and is found by the commission to

As amended Apr. 21, 1911.

have served continuously and satisfactorily. Such transfer may be made without compliance with clauses (b), (c), (d), and (e) of section 8 of this rule.

Transfers under this section may be made without compliance with the requirement of examination provided in section 6 of Rule II, and, except where the transfer is to some other department

than the one in which the employee formerly served, without compliance with section 1 of Rule X. (Minute of commission, May 23, 1903.)

4. Any person who has served for at least two years in the office of the President of the United States may be transferred to a competitive classified position upon such tests of fitness as the commission may deem proper. Amendments of Jan. 9, 1909, and Feb. 1, 1912.

5. In the apportioned service transfers within the same department or office may be made without certificate of the commission, subject to the rules and regulations regarding promotion, unless different tests are prescribed for original entrance to the position to which transfer is proposed. Without certificate in apportioned positions.

Transfers under this section may be made without compliance with the requirement of examination provided in section 6 of Rule II. (Minute of commission, May 23, 1903.)

6. In the nonapportioned service transfers within an office, among post offices, among the different offices of the same customs district, among the military staff departments, and from the War Department to any military staff department, may be made without certificate of the commission, and subject to the limitations prescribed in section 5 of this rule, unless otherwise provided by regulation of the commission. Without certificate in nonapportioned positions.

An act of March 2, 1907 (34 Stat., 1205), provides that in the post-office service a clerk may be transferred to carrier and a carrier to clerk in any grade not higher than the corresponding grade of salary.

Transfers under this section may be made without compliance with the requirement of examination provided in section 6 of Rule II. (Minute of commission, May 23, 1903.)

A substitute can not be transferred to a regular position in another part of the service. He must first become a regular employee. (Minute of commission, Sept. 21, 1900.)

Transfers to the substitute force of a post office, except from the substitute force of another post office, may be made to any position on the substitute list. A substitute transferred from one post office to another shall go to the foot of the substitute list. (Commission's circular No. 305, Apr., 1909.)

"The transfer of a substitute within a post office from the clerk to the carrier substitute force, or vice versa, may not

be made except to the foot of the substitute roll: *Provided, however,* That a mutual exchange of positions between a substitute clerk and a substitute carrier may be made, but not to any higher position on the substitute roll than that to which each would have been entitled if his original appointment had been to the roll to which transferred." (Minute of commission, Feb. 17, 1908.)

When a substitute is transferred from the clerk to the carrier roll, or vice versa, and afterwards retransferred to the roll upon which his name originally appeared, then his name shall be entered upon such roll in the order of his original appointment. (Minute of commission, Oct. 1, 1908.)

Transfers of rural carriers may be made after one year's satisfactory service to the positions of clerk or carrier in first and second class post offices, to the position of railway mail clerk, or to other positions in the classified service, in accordance with the civil-service rules. (Commission's circular No. 1977, Feb., 1912.)

Employees in
Bureau of En-
graving and
Printing.

7. Operatives and other employees in the Bureau of Engraving and Printing whose duties are similar to those of operatives may be transferred without examination and certificate of the commission to the apportioned positions of expert money counter and paper counter in the office of the Secretary of the Treasury, money-order assorter and skilled laborer acting as money-order assorter in the office of the Auditor for the Post Office Department, and expert counter, feeder, and separator in the office of the Treasurer of the United States. Employees so transferred shall not be charged to the apportionment, and such transfer shall not give them rights of promotion or transfer greater than those of the positions from which they were transferred, and they shall not be assigned to duties other than those of the positions named in this section.

Clerks at \$900 (to be employed as counters) in the office of the Commissioner of Internal Revenue, and clerks at \$900 (to be employed as counters) in the Division of Loans and Currency in the Secretary's office, Treasury Department, may be appointed by the promotion or transfer of counters who have had three years' experience in the latter-named office, employees so transferred to have no greater rights than before transfer. (Minutes of commission, Nov. 26 and Dec. 5, 1906.)

Vacancies in the position of counter, office of the Comptroller of the Currency, may be filled by transfer of operatives from the Bureau of Engraving and Printing, employees so transferred to have no greater rights than before transfer. (Minute of commission, May 1, 1907.)

"Expert money counters, paper counters, and money counters in the office of the Comptroller of the Currency and the office of the Register of the Treasury, Treasury Department, may, after three years' satisfactory service, be promoted without examination to be assigned exclusively on the work of counting money

and paper, and to receive compensation not to exceed \$900 per annum. Such promotion shall not give the person affected any further rights of promotion or transfer greater than he had in the position from which he was promoted." (Minute of commission, Sept. 25, 1907.)

Promotions in the Bureau of Engraving and Printing from \$840 per annum may be made upon the passing of the clerk examination without charge to the apportionment; but such promotion shall give no additional rights of promotion or transfer to an apportioned position. (Minute of commission, July 21, 1908.)

"Twenty-five positions of clerks at \$900 in the office of the Auditor for the Post Office Department may, as vacancies occur therein, be filled and refilled by promotion on noncompetitive clerk examination from among the employees heretofore transferred from the Bureau of Engraving and Printing who have had seven years of service, at least two years of which shall have been in the office of the Auditor for the Post Office Department." (Executive order, Apr. 28, 1910.)

On certificate.

8. Unless otherwise specifically provided in this rule, no person shall be transferred except on certificate of the commission previously obtained, and subject to the following limitations:

Period of service required before transfer.

Amendment of Sept. 23, 1907.

(a) He must have served three years in or under the department or independent office from which transfer is proposed; but the commission may waive this requirement when it deems such action necessary in the interest of the service, in cases of transfer other than from one executive department to another at Washington, D. C.

In any case he must have received absolute appointment and have actually served at least six months next preceding the transfer; but the commission may waive this latter requirement in cases of transfer from the Isthmus of Panama or where the person has been separated within a year from a competitive position after six months' service therein, upon the certificate of the proper officer that the separation was caused by necessary reduction of force and not by inefficiency, and may allow transfer to any other department or office upon his passing an examination prescribed by the commission testing his efficiency for the position to which his transfer is proposed, subject to the other provisions of this rule.

Amendment of
Sept. 16, 1910.

The act of June 22, 1906 (34 Stat., 449), prohibits a transfer from one executive department to another until after three years' service. The Attorney General on March 29, 1907 (26 Op., 209), held that this restriction does not apply to transfers between an executive department and an independent commission, bureau or office, or between two such independent establishments, but that it does apply to the field force of a department; that is, its classified employees under its immediate control, as inspectors, examiners, and agents, although employed usually or invariably away from the seat of government. He also held on May 17, 1907 (26 Op., 254), that the field services under the control of the several departments including post offices, pension agencies, etc., were not parts of the respective departments and hence were not covered by the restrictions of the act. The President, by Executive order of September 23, 1907, amending section 8 (a) of the transfer rule to read as above, applied a similar restriction to cases not covered by the act, with power in the commission to waive the requirement of the rule but not that of the act.

Three years' service in the field service and in Washington does not constitute three years' service in the department within the terms of the law, and transfer in such a case can not be permitted. (Minute of commission, June 11, 1907.)

The term of three years' service before transfer from one department to another is not required to be served immediately preceding transfer. (Minute of commission, Sept. 20, 1909.)

The act requiring service for "a term of three years" before transfer from one department to another, service must be continuous for that period. (Minute of commission, June 2, 1909.)

Except in transfer from tropical countries, hereafter the three-year limitation

will not be waived unless the employee to be transferred is shown to possess special or peculiar qualifications necessary to meet the unusual and extraordinary needs of the service to which transfer is proposed. (Minute of commission, Feb. 26, 1908.)

"When a case is otherwise permissible, transfer from one bureau, office, or branch of the service to another bureau, office, or branch under the same department or independent office may be made without reference to the three-year limitation." (Minute of commission, Dec. 17, 1908.)

"When a transfer is in all other respects permissible under the civil-service rules, it will be the policy of the commission to waive the requirement of six months' service immediately preceding transfer in the case of persons separated by reason of a necessary reduction of force; but all such persons on applying for transfer shall submit to a physical examination, and those of them who are seeking to be transferred to the position of skilled laborer or to some other position requiring physical activity will have to attain a grade of 85 on such physical examination before transfer. In cases where physical activity is not required, the transfer may be made if, all other prerequisites being satisfied, the person seeking transfer is physically fit to discharge the duties of the position to which he seeks to be transferred." (Minute of commission, Nov. 4, 1907.)

The Comptroller of the Treasury answered in the negative the following question: "Can a temporary appointment be made to a position specifically appropriated for by Congress during the absence of the regular incumbent on leave without pay?" He held that no other person could be appointed to the position which such regular employee holds whether appointed temporarily or not. Therefore an appointment to a statutory position whose incumbent is on leave has the effect

of separating the regular incumbent from the service and he can not be regarded as having a duty status while the position is thus occupied by another person. This opinion has an important bearing upon

the question of eligibility for transfer of a person who has been on leave without pay preceding his proposed transfer. (15 Comp. Dec., 855, June 21, 1909.)

Age limitations.

(b) He must be within the age limitations prescribed for examination for the position to which his transfer is proposed.

Apportionment.

(c) The apportionment must be observed, unless waived by the commission upon the certificate of the appointing officer that the transfer is required in the interests of good administration, setting forth in detail the reasons therefor.

A transfer from the nonapportioned to the apportioned service is charged to the apportionment of the State of which the person transferred is a legal resident. If this State has received an excessive share of appointments, such a transfer is not authorized, unless the person whose transfer is sought possesses qualifications not possessed by eligibles tested by competitive examination, and it is not practicable to fill the position by the transfer or promotion of a person in the apportioned service. (Commission's circular No. 305, Apr., 1909.)

"When an employee is proposed for a transfer involving a charge to the quota of a State or Territory already in excess under the law of apportionment the transfer may be allowed as far as the apportionment is concerned (1), if at the time of the proposed transfer the State or Territory of residence of such employee is within reach of certification from the register appropriate for the position to which transfer is proposed; or (2) if transfer is requested during the life of the register from which he was appointed to the nonapportioned service and if the

State or Territory of his residence is reached." (Minute of commission, Mar. 7, 1910.)

"In view of the necessity for change of climate after service in the Tropics, as shown by the orders and practice of the War Department, and as recognized by the commission in transfers from the Philippines, such orders and practice will be regarded as indicating that such transfers are required in the interest of good administration where employees proposed for transfer from the Isthmus have rendered three years or more of satisfactory service and are otherwise eligible. The apportionment will be waived in all such cases." (Minute of commission, July 18, 1910.)

In transfers the average percentage of appointments received by all the States will be taken as fixing the limit of the application of Rule X, section 8, clause (c), if the transfer is manifestly in the interests of the service. (Minutes of commission, Nov. 10 and Dec. 15, 1905.)

See also section 9 of this rule, and notes to section 2 of Rule VII.

Examination.

(d) He must pass an appropriate examination whenever different tests are prescribed for original entrance to the position to which transfer is proposed.

See section 6, Rule II.

When transfers or promotions are properly applied for, and are otherwise permissible, the Civil Service Commission is hereby authorized, in its discretion, looking to the good of the public service only, to waive requirements for examination and to substitute for such examination so waived such other tests of fitness and capacity as the commission may decide.

In each case where such waiver is made the reasons therefor shall be stated at length by the commission, and made matter of record in its minutes. (Executive order, Nov. 22, 1907.)

The residence and domicile restrictions of the act of July 2, 1909 (36 Stat., 1), do not apply to examinations for promotion or transfer. (Minute of commission, July 10, 1909.)

Amendment of Mar. 23, 1909.

(e) He shall not be transferred unless, in the judgment of the commission, he possesses experience, qualifications, or training which are required for the proper performance of the duties of the position to which transfer is proposed

and which render necessary in the interests of the service the filling of the position by his transfer, rather than by an original appointment or promotion in the manner provided by the civil-service act.

The transfer of a person who has been appointed from a register from which, in accordance with section 1, clause (a), of Rule VII, he would have been in turn to be certified for appointment to the posi-

tion to which transfer is proposed had his name remained thereon, may be made without reference to the above provision. (Minute of commission, July 3, 1905.)

9. A person to be transferred from a nonapportioned to an apportioned position shall be required, previous to his transfer, to prove his residence in the same manner as for original appointment. Legal residence.

10. An officer or employee occupying a competitive position in the Philippine classified service, who has served three years or more therein, may be transferred to the Federal classified service, subject to the provisions of these rules; but the commission may authorize the transfer of an officer or employee who has served two years in the Philippine classified service and who has been separated by necessary reduction of force or by displacement by a Filipino, if he is especially recommended by the War Department because of his efficiency and good character. In all cases of proposed transfer from the Philippine classified service the War Department shall furnish the commission, for its consideration, all relevant information contained in its files, together with the service record of the employee. Philippine service.

* * * "An employee who has had the service required by the rule will be regarded as eligible for reinstatement for the purpose of transfer as long as he remains eligible for reinstatement in the Philippine service." (Minute of commission, Aug. 11, 1908.)

11. The commission may, in its discretion, authorize the transfer of employees from the civil service of Porto Rico to that of the United States, subject to the limitations respecting transfer within the civil service of the United States. Porto Rican service.

12. A citizen of the United States in the service of the Panama Canal on or before January 1, 1915, in an excepted position other than that of clerk paying not more than \$75 in gold per month may be transferred without examination to a position in the competitive classified service, provided: Panama Canal service. Amendment of Jan. 19, 1915.

(a) This section shall not apply to a person appointed to a competitive position in accordance with the civil service rules, his transfer to be governed by the general provisions of the rules.

(b) This section shall not apply to a person appointed without examination to perform the duties of clerk of any grade, bookkeeper, stenographer, typewriter, surgeon, physician, trained nurse, or draftsman.

(c) He must have rendered at least two years' service in a position above the grade of mere unskilled laborer in the service of the Panama Canal or of the Panama Railroad by transfer from the canal.

(d) He may be transferred to a position of no higher grade requiring similar qualifications or to a position of a lower grade for which he is qualified.

(e) He must be specially recommended by the governor of the Panama Canal by reason of efficient service and satisfactory conduct.

(f) If separated from the service the requisition for transfer must be made within three years from the date of separation, and if he has been separated more than one year evidence of continuing good character and efficiency may be required.

Service beyond
seas.

13. In a case of exceptional merit where an employee has rendered long and faithful service beyond the seas in a civil capacity, under conditions such that his appointment and services were not in contravention of the civil-service rules or Executive orders, he may be given a classified status by the head of the department or office in which such service was rendered, on certification by such officer that the case is one of exceptional merit and with the approval of the commission. The provisions of this section may be applied in the case of Philippine constabulary officers who have rendered at least seven years of efficient and satisfactory service.

RULE XI.—PROMOTION.

Competitive
tests.

1. Competitive tests or examinations shall, as far as practicable and useful, be established to test fitness for promotion in the classified service.

Before a person occupying a subclerical position in one department can go therefrom to a clerical position in another department he must have earned his promotion through competitive examination and have been promoted in the department in which he was employed or have been eligible for the next promotion in that department. (Minute of commission, Dec. 22, 1899.)

Temporary service in a higher grade does not forfeit rights of promotion in the

former position. (Minute of commission, Nov. 12, 1895.)

In filling vacancies in the regular grades in the Customs Service from among those employed for occasional duty, selections for promotion will be made in the order of seniority, except where the principal officer gives good reasons why the occasional employee longest in the service is not by virtue of ability or efficiency entitled to such promotion. (Minute of commission, Feb. 24, 1897.)

The requirement of absolute appointment before promotion in promotion regulations does not apply to the advancement to positions in the regular force of persons employed for occasional duty. The promotion of persons employed for occasional duty will be made only to the lowest class of the grade in which the occasional employee is serving, or to the lowest class of any other grade not requiring a higher examination. (Minute of commission, May 28, 1897.)

Apprentices may be promoted to journeymen upon the completion of apprenticeship without examination, service for the term of apprenticeship being regarded as a sufficient test of fitness. (Minute of commission, Mar. 3, 1899.)

The requirement in promotion regulations of two years' service prior to examination for promotion from subclerical to clerical grades is met by previous employ-

ment in a classified position for that period under another appointment. (Minute of commission, Aug. 11, 1899.)

"No laborer thus classified [under the Executive order of Feb. 24, 1906] shall be promoted in grade or transferred without examination by the commission; nor shall any laborer be increased in pay beyond the usual and ordinary pay of the position and duties such laborer customarily fills and discharges." (Executive order, Aug. 28, 1907.)

Preference under section 1754, Revised Statutes, applies only to original entrance to the service and not to promotion. (Minute of commission, Apr. 18, 1896.)

The residence and domicile restrictions of the act of July 2, 1909 (36 Stat., 1), do not apply to examinations for promotion or transfer. (Minute of commission, July 10, 1909.)

2. Until regulations to govern promotions are made, ^{Before regula-} promotions may be made upon any test of fitness not ^{tions adopted.} disapproved by the commission which may be determined upon by the promoting officer, subject to the following limitations:

(a) The age limitations and apportionment must be ^{Age limita-} observed. ^{tions and appor-}

(b) In case of promotion to a position for which the ^{Examinations.} entrance tests are different, the person to be promoted must first pass an appropriate examination before the commission.

"When transfers or promotions are properly applied for and are otherwise permissible the Civil Service Commission is hereby authorized, in its discretion, looking to the good of the public service only, to waive requirements for examination and to substitute for such examination so waived such other tests of fitness and capacity as the commission may decide." (Executive order, Nov. 22, 1907.)

(c) Any employee in the classified Indian Service may, with the approval of the Secretary of the Interior, be promoted without examination to the position of superintendent of an Indian school, upon a statement of the Commissioner of Indian Affairs that the employee possesses the requisite business and executive qualifications to fill the position, and the commission will on such statement issue the necessary certificate. ^{No examina-} ^{tion required for} ^{promotion to su-} ^{perintendent of} ^{Indian school.} ^{Amendment of} ^{June 13, 1905.}

(d) No employee shall be promoted during probation, ^{Promotion dur-} except upon approval of the commission previously ^{ing probation.} obtained. ^{Amendment of} ^{Dec. 28, 1914.}

3. No recommendation for the promotion of a classified ^{Recommen-} employee shall be considered by any officer concerned in ^{dations which} making promotions, unless it be made by the person ^{may not be con-} ^{sidered.}

Penalties for improper recommendation.

under whose supervision such employee has served; and such recommendation by any other person, if made with the knowledge and consent of the employee, shall be sufficient cause for debarring him from the promotion proposed, and a repetition of the offense shall be sufficient cause for removing him from the service.

"It is hereby ordered that petitions or other communications regarding public business addressed to the Congress or either House or any committee or Member thereof by officers or employees in the civil service of the United States shall be transmitted through the heads of their respective departments or offices, who shall forward them without delay with such comment as they may deem requisite in the public interest. Officers and employees are strictly prohibited either directly or indirectly from attempting to secure legislation, or to influence pending legislation, except in the manner above prescribed.

"This order supersedes the Executive orders of January 31, 1902, January 25, 1906, and November 26, 1909, regarding the same general matter." (Executive order, Apr. 8, 1912.)

* * * "The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or Member thereof, shall not be denied or interfered with." (An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, approved Aug. 24, 1912.)

Promotion of substitutes.

4. Substitutes shall be promoted to the first vacancies occurring in regular positions in the order of their original appointment, whenever there are substitutes of the required sex who are eligible and will accept, unless such vacancies are filled by promotion, transfer, or reinstatement.

A provision of the rules for the employment of substitutes for clerks, copyists, and other employees in the departments, who are temporarily absent on account of sickness or other unavoidable cause, and for the selection of such substitutes from persons regularly certified is not beyond the power of the commission with the approval of the President, to make, but would be practically inoperative, because of the lack of authority on the part of the heads of the departments to make additional expenditures for the employment of the substitutes. (Opinion Atty. Gen., Mar. 6, 1890, 19 Op., 507.)

"When two or more substitutes are appointed on the same date, they shall be promoted to the regular force in the order of the averages attained by them in the examination, irrespective of the fact that

one or more of such substitutes may have been allowed preference under section 1754 R. S." (Minute of commission, Dec. 6, 1897.)

Promotions from substitute to regular positions shall be made in the order of date of appointment in the entire office, and not in any one division. (Minute of commission, Aug. 14, 1888.)

A senior substitute may waive his right of promotion to a regular vacancy in favor of the substitute standing next, and retain his position at the head of the substitute list. (Minute of commission, Mar. 2, 1895.)

A senior substitute who declines promotion will be considered to have been dropped from the service. (Letter of commission, Aug. 11, 1909, Albany, N. Y.)

Amendment of June 13, 1904.

5. A person who has been reinstated in the classified service in a grade lower than that from which he had been separated may be promoted to his former grade without examination.

Messenger boys.

Amendment of Sept. 18, 1909.

6. Messenger boys appointed without regard to the apportionment shall not be promoted or transferred to apportioned positions whether they are residents of

States or Territories which are entitled to appointments to apportioned positions or not.

Syllabus: Promotion from the position of messenger boy, in the classified non-apportioned service, to the position of laborer with classified duties, which is subject to the rule of apportionment, is prohibited by section 6 of Rule XI of the civil-service rules.

An applicant by passing the civil-service examination does not acquire a vested right to promotion in accordance with the rules in force at the time the examination is held. (Opinion Atty. Gen., Jan. 10, 1913; 30 Op., 10.)

RULE XII.—REMOVALS AND REDUCTIONS.¹

1. Section 6 of the act of August 24, 1912, 37 Stat. 555, ^{Reasons to be furnished.} provides "That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same: * * *

"The commission holds that the probationary period required by law preliminary to permanent appointment is an essential part of the examinations held by the commission to ascertain the fitness of applicants. The first six months of service being regarded as probationary, section 6 of the act of August 24, 1912, is not regarded as applying to probationers. The existing practice under section 1 of Rule VII is not changed by the act, and a probationer may be separated from the service at any time during or at the expiration of the probationary period without further formality than a written notification setting forth the reasons in full.

"In the removal of temporary appointees the commission holds that the law did not contemplate its application to

temporary employment, and therefore the procedure required by the law need not be observed as to this class of employees.

"The act is not regarded as applying to cases of suspension. Where the person is later dropped from the classified service, then the requirements of the act would need to be complied with. * * * The requirements of the rule as to the suspension of employees are not inconsistent with the act."

"The words in the statute 'affidavits in support thereof' are regarded as applying to the answer of the accused employee." (Minute of commission, Mar. 28, 1913.)

* * * The term 'classified civil service,' in section 6 of the act of August 24, 1912, was used in the more popular sense of the competitive service, and

¹ Amended July 28, 1914.

² See page 58 for further provisions of the act.

therefore should not be held to include excepted positions, unless such positions have been filled as competitive positions are filled, in which event, under Rule II, paragraph 3, of the Civil Service Rules, the person appointed is entitled to all the rights of a competitive employee. (30 Op. Atty. Gen., 181.)

While section 6 of the act of August 24, 1912 (37 Stat., 555), relating to removals, requires that reasons for reduction in rank or compensation be made a part of the records of the proper department or office, it does not require or grant the privilege of answer by the person who is reduced, and the requirement in the act that the person affected shall upon request be furnished a copy of the reasons, does not make it necessary to postpone the reduction until such request is complied with. (Minute of commission, Mar. 17, 1914.)

"No officer or employee of the Government shall, directly or indirectly, instruct

or be concerned in any manner in the instruction of any person or classes of persons, with a view to their special preparation for the examinations of the United States Civil Service Commission. The fact that any officer or employee is found so engaged shall be considered sufficient cause for his removal from the service." (Executive order, Oct. 13, 1905.)

"No officer or employee of the Government shall, directly or indirectly, instruct or be concerned in any manner in the instruction of any person or classes of persons, with a view to their special preparation for the examinations of the boards of examiners for the diplomatic and consular services. The fact that any officer or employee is found so engaged shall be considered sufficient cause for his removal from the service." (Executive order, Dec. 23, 1910.)

Other causes for removal are enumerated in section 4 of Rule V and section 3 of Rule VI.

Like penalties
for like offenses.

2. In making removals or reductions, and in other punishment, like penalties shall be imposed for like offenses, and no discrimination shall be exercised for political or religious reasons.

* * * "In making any reduction of force in any of the executive departments the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States and the widows and orphans of deceased soldiers and sailors." (Act of Aug. 15, 1876, 19 Stat., 169.)

The removal of an honorably discharged soldier from a position in an executive department "because of his rating as inefficient" is the exercise of a purely execu-

tive power, and the reasons for such exercise can not be inquired into by the courts. (*Keim v. U. S.*, Apr. 9, 1900, 177 U. S., 290.)

Ex-soldiers or sailors or the widows and orphans of deceased soldiers and sailors are not entitled to preference over other persons under section 1754 and other statutes when reductions in salary and rank are to be made, even though their qualifications are equal. (*Opinion Atty. Gen.*, July 28, 1909, 27 Op., 490.)

Temporary sus-
pension.

3. Pending action under section 1 of this rule, or for disciplinary reasons, a person may be suspended for a period not to exceed ninety days, but the reasons for such suspension shall at the time of the suspension be filed in the records of the proper department or office and copies shall be furnished the commission upon request. The period of suspension may be extended beyond ninety days with the prior consent of the commission.

Power to inves-
tigate.

4. The commission shall have no jurisdiction to review the findings of a removing officer upon the reasons and answer provided for in section 1 of this rule, nor shall the commission have authority to investigate any removal or reduction, unless it is alleged, with offer of proof, that the procedure required by section 1 of this

rule has not been followed or that the removal was made for political or religious reasons.

The courts have no jurisdiction to review the action of an appointing officer in removing an employee. The right of appointment necessarily involves the right of removal. This power is absolute, except in so far as restricted by Congress. The civil service act limits the power of removal in no respect except for the single cause of failure to contribute money or services to a political party. An employee's fitness, capacity, and attention to his duties are questions of discretion and judgment to be determined by the heads of the departments. Such questions are beyond the power of any court. (*Taylor v. Taft*, Secretary of War, 24 App. D. C., 95.)

Where a charge of delinquency, such as neglect of duty, has been sustained by a department, the commission refuses to hold that the removal was for political reasons. (Minute of commission, June 4, 1903.)

In the case of the *United States v. Wick-ersham* the United States Supreme Court decided, April 2, 1906, that Mr. Wicker-

sham was entitled to compensation from November 1, 1897, the date on which he was illegally suspended, in violation of the civil service rules, from a classified position by the surveyor general of Idaho, until May 10, 1898, the date on which the department offered him another position at Washington, which he declined. The court said in part: "The case comes to this: The appellee, by his appointment, practically made by the Secretary of the Interior in entering his name in the classified list and designating him for the service required, was entitled to the privileges and emoluments of his position until he was legally disqualified by his own action or that of some duly authorized public authority. The attempted suspension, without authority of law, he remaining ready and willing to discharge the duties of the place, could not, during the period of such wrongful suspension, have the effect to deprive him of the compensation legally belonging to one entitled to hold the position." (201 U. S., 390.)

RULE XIII.—REPORTS OF CHANGES.

1. Every nominating or appointing officer in the executive civil service shall report in detail to the commission, <sup>Appointing of-
ficers to make.
Act, sec. 2, cl. 2,
par. 8.</sup> whenever and in such manner as it may prescribe, all changes in the service under his authority, whether they affect positions or employees that are classified, unclassified, excepted, permanent, temporary, or subject to contract.

2. Such officers shall also furnish to the commission, <sup>List of all posi-
tions.</sup> when requested, a list of all the positions and employments under their authority, together with the names, designations, compensations, duties, and dates of appointment or employment of all persons serving therein.

3. Reports of appointments and changes in status of <sup>Statements of
duties of laborers.</sup> mere laborers or workmen shall be accompanied by a statement setting forth specifically the kind of labor performed in detail sufficient to enable the commission to determine the status of each position as classified or unclassified; and a similar statement of duties performed by any employee or pertaining to any position in the executive civil service shall be furnished to the commission on request. All essential changes of duties <sup>Changes of du-
ties.</sup> pertaining to persons appointed as mere laborers or workmen

without examination under the civil service rules shall be at once reported to the commission.

See notes under Rule II, section 5.

RULE XIV.—TESTIMONY.

Duty of officers and employees in regard to.
Act, sec. 2, cl. 4.

It shall be the duty of every officer and employee in the executive civil service, and of every applicant or eligible for a position therein, to give to the commission, or its authorized representatives, all proper and competent information and testimony in regard to matters inquired of arising under the civil service act and rules, and to subscribe such testimony and make oath or affirmation to the same before some officer authorized by law to administer oaths.

It is within the power of the President so to modify the civil service rules as to impose upon all officers and employees in the public service the duty of giving to the commission or its authorized representatives all proper and competent information in regard to all matters inquired of and to subscribe to and make oath to such testimony before some officer authorized by law to administer oaths. The imposition of such a duty upon every officer and employee in the public service is neither unreasonable nor unsuitable. It is clearly within the exercise of the executive power, and its legality can not be doubted. (Opinion Atty. Gen., Dec. 2, 1901, 23 Op., 595.)

A per diem employee of the Frankford Arsenal, Philadelphia, Pa., absent from duty three and one-fourth hours under a

summons, in giving testimony concerning alleged violations of the civil service regulations, was denied payment for the time he was away from his regular work, because the duty performed in giving testimony was considered by the Ordnance Department as having no relation to his service as an employee therein. The Comptroller of the Treasury held, however, that he "should be treated as in a duty status and as in the performance of duty under his employment in going, returning, and attending on the commission, and should be paid the pay due him for such time from the appropriation for the Ordnance Service governing his employment." (Decision, Compt. Treas., Aug. 17, 1911. See also 17 Comp. Dec., 584; 5 Comp. Dec., 797; 9 Comp. Dec., 276.)

RULE XV.—WITHHOLDING SALARY.

Compensation conditional upon legal appointment.
Act, sec. 7.

If the commission shall find that any person is holding a position in violation of the civil service act or of the rules promulgated in accordance therewith, it shall, after notice to the person affected and an opportunity for explanation, certify the facts to the proper appointing officer. If such person be not dismissed within 10 days thereafter, it shall certify the facts to the proper disbursing and auditing officers, and such officers shall not pay or audit the salary or wages of such person thereafter accruing: *Provided*, That if a question of law respecting the power to appoint or employ is raised in any such case, the President or the head of a department may obtain the opinion of the Attorney General thereon.

"The decisions are uniform that one claiming salary must prove his legal title to the office and that an officer *de facto*

can not maintain an action for salary." (Glavey v. U. S., 35 Ct. Cls., 242, citing Romer v. U. S., 24 Ct. Cls., 336; Stratton

v. Oulten, 28 Cal., 51; Bennett's case, 19 Ct. Cls., 388.)

See note to Rule II, section 5.

A person employed by a marshal as his office deputy, without having been certified by the commission as eligible to employment, although employed in violation of Executive orders, is not employed in violation of law, and is entitled to the expenses incurred by him in serving a

warrant of arrest. (Decision Compt. Treas., Apr. 1, 1899, 5 Dec., 649.)

In the absence of evidence to the contrary, the accounting officers will, in the settlement of salary accounts, assume that the civil-service law and rules have been complied with by the officer having the power of appointment. (Decision Compt. Treas., July 25, 1896, 3 Dec., 52.)

RULE XVI.—REGULATIONS.

1. The commission shall have authority to make regulations for the execution of these rules. Power to make regulations.

2. No modification of the existing regulations in the Navy Department governing the employment of labor at navy yards shall be made without the approval of the commission. Navy-yard regulations.

The classification of persons employed at navy yards as skilled laborers or mechanics may be ordered by the President by revoking or modifying the navy-yard regulations. (Opinion Atty. Gen., July 6, 1909, 27 Op., 446.)

"All artisan and supervisory artisan positions under the jurisdiction of the Department of the Navy, are hereby included in the competitive classified service of the United States, unless specifically exempted from examination by law or Executive order. Such positions will hereafter be filled in accordance with the regulations which have been approved by me, except that employment from the present registered lists, without classification, is authorized for the limited period necessary to establish eligible lists through open competitive examination in

the manner provided in the regulations.

No artisan or supervisory artisan whose position is included in the classified service by this order shall be classified unless he has established his capacity for efficient service or has been examined and found qualified by the Labor Board and is recommended for classification by the commanding officer under whom he is employed.

Eligible registers under the new regulations will be established, and eligibility from registered lists established under Navy Yard Order No. 23, revised, shall not be extended, beyond June 30, 1913. Persons employed before that date from the present registered lists shall not be eligible to classification except in the manner provided in the regulations. * * * (Executive order, Dec. 7, 1912.)

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SCHEDULE A.

CLASSIFIED POSITIONS EXCEPTED FROM EXAMINATION UNDER RULE II, CLAUSE 3.¹

[The classified service does not include positions under the government of the District of Columbia, the Library of Congress, the legislative and judicial branches, the Consular and Diplomatic Services, or the Pan American Union.]

No office or position is excepted unless it is specifically named herein. Not more than one position shall be treated as excepted under the title of any such position unless a different number be indicated.

I. THE ENTIRE CLASSIFIED SERVICE.

1. Two private secretaries or confidential clerks to the head of each of the executive departments and one to each assistant head and one to the Public Printer.
2. One private secretary or confidential clerk to each of the heads of bureaus, appointed by the President in the executive departments, if authorized by law.
3. All persons appointed by the President without confirmation by the Senate.
4. Attorneys, assistant attorneys, and special assistant attorneys.
5. Chinese, Japanese, and Hindu interpreters.
6. Any person receiving for his personal salary compensation aggregating not more than \$300 per annum whose duties require only a portion of his time, or whose services are needed for very brief periods at intervals, provided that employment under this provision shall not be for job work such as contemplated in section 4 of Rule VIII. The name of the employee, designation, duties, rate of pay, and place of employment shall be shown in the periodical reports of changes; and in addition, when payment is not at a per annum rate, the total service rendered and the distribution of such service during the year shall be shown in the report of changes at the end of each year or when the employee is separated from the service.²
7. Any person employed in a foreign country under the State Department, or temporarily employed in a confidential capacity in a foreign country under any department or office; but this exception shall not apply to any person employed in a foreign country contiguous to the United States in the service of the Bureau of Immigration, Department of Labor.
8. Any position the duties of which are of a quasi military or quasi naval character, and for the performance of which duties a person is enlisted for a term of years; also positions in the Revenue-Cutter Service, where the persons enlist for the season of navigation only.
9. All positions in Alaska which can not be filled from appropriate existing registers, except those in the Customs Service.
10. A person serving under temporary appointment continuously since May 29, 1899, may be permanently appointed, in the discretion of the appointing officer.

¹ See positions also excepted by law from examination and the civil service act and regulations on page 45.

² As amended Oct. 14, 1911.

11. A person holding an excepted position, which he entered prior to November 2, 1894, and in which he has since served continuously, may, subject to the other conditions and provisions of these rules, be transferred to a competitive position.

12. Mechanics and skilled tradesmen or laborers,¹ employed upon construction or repair work in the field services, under such restrictive conditions that, in the opinion of the commission, they can not, as a class be appointed from registers of eligibles.

13. Cooks, when in the opinion of the commission it is not expedient to make appointment upon competitive examination.

14. One driver² of carriage, each, for the personal use of the President, the head of any executive department, the Secretary to the President, and such other drivers of carriages as may from time to time be authorized by competent authority, may be appointed without reference to the civil-service rules or the labor regulations.

II. STATE DEPARTMENT.³

1. Eight officers to aid in important drafting work.⁴

2. Assistant solicitors.⁴

III. TREASURY DEPARTMENT.⁵

1. One confidential clerk, if authorized by the Secretary of the Treasury, to each of the following officers:

The collector of each customs district where the receipts for the last preceding fiscal year amounted to as much as \$500,000.

The appraisers at the ports of Boston, New York, and Philadelphia.

One private secretary in the office of the naval officer of customs at the port of New York.

2. One counsel before the Board of United States General Appraisers.

3. In the New York customs district: Stitch counters.⁶

4. Storekeepers and gaugers⁶ whose compensation does not exceed \$3 per diem when actually employed and whose aggregate compensation shall not exceed \$500 per annum.

This exception from the requirement of examination shall not apply to the fifth internal-revenue district of North Carolina.

5. One private secretary or confidential clerk to the superintendent in each mint and in the assay office at New York.⁷

6. Any local physician employed for temporary duty as acting assistant surgeon in the Public Health Service at stations or localities where, in the opinion of the commission, the establishment of registers is impracticable.

7. Any person employed in the Public Health Service as quarantine attendant at a station at which, in the opinion of the commission, the establishment of registers is impracticable, and any person employed as quarantine attendant or acting assistant surgeon or sanitary inspector on a quarantine vessel or in a camp or station established for quarantine purposes during an epidemic of a contagious disease for temporary duty in the United States or elsewhere in preventing the introduction or spread of contagious or infectious diseases.⁸

¹ Skilled laborers. Unskilled laborers are not within the scope of the act and rules.

² This exception applies to chauffeurs as well as to drivers of carriages. (Minute of commission, Jan. 30, 1908.)

³ See excepted positions in this department under heading "The Entire Classified Service."

⁴ As amended Aug. 24, 1912.

⁵ As amended June 12, 1911.

⁶ Internal-Revenue Service.

⁷ As amended Feb. 20, 1913.

⁸ Subject to this exception at present are the following quarantine Stations: Cape Charles, Columbia River, Fort Stanton, Gulf, Key West, Mobile, Mullet Key, Reedy Island, San Francisco, and South Atlantic.

8. In the Alaska Customs Service all persons appointed or employed for the season of navigation only.
9. One examiner of tobacco and one examiner of tea in the Customs Service at the port of Chicago.
10. Mounted inspectors in the Customs Service on the Mexican border.
11. Civilian instructors in the United States Revenue-Cutter Service.
12. National-bank examiners and receivers under the office of the Comptroller of the Currency.
13. All persons actually employed in the Public Health Service at the leprosy investigation station, Molokai, Hawaii.
14. Informers and posse men, and special employees employed temporarily for detective work in the Internal-Revenue Service, under the appropriation for detecting and bringing to trial and punishment persons violating the Internal-Revenue laws.
15. Laborers at \$480 per annum in the Customs Service, district of Hawaii, who are to perform the duties of opener and packer.

IV. WAR DEPARTMENT.¹

1. All cable engineers and cable electricians.
2. All telegraph operators, telegraph linemen, and cable seamen, receiving a monthly compensation of \$60 or less, serving on military telegraph systems or at military stations, and who perform their duties in connection with their private business or with other employment, such duties requiring only a portion of their time. Appointment to such positions shall be subject to noncompetitive examination as to practical skill in the work required therein by a signal officer or acting signal officer, whose certificate as to the professional fitness of the appointee shall be forwarded to the Secretary of War, and a duplicate thereof to the Civil Service Commission.
3. United States Army Transport Service: Longshoremen employed by the department at ports in the United States; trade and noneducational employees in the Philippine Islands; and all employees on transport ships other than clerks.
4. All commissioners and statutory places of secretary for the national military parks, and one assistant secretary to the Chickamauga and Chattanooga National Military Park Commission.²
5. Consulting architect, for work of reconstructing the United States Military Academy at West Point, N. Y.
6. All navigating positions on the torpedo and mine planters of the Quartermaster Corps.
7. One law officer in the Bureau of Insular Affairs.
8. One superintendent, one chief chemist and assistant superintendent, and one first assistant chemist, for service in connection with the operation of the Washington filtration plant, under the Engineer Department.
9. Caretakers of abandoned military reservations or of abandoned or unoccupied military posts when the positions are filled by retired noncommissioned officers or enlisted men.
10. Civilian professors, instructors, and teachers in the United States Military Academy at West Point.
11. Superintendent of construction, Quartermaster Corps, Corregidor, Philippine Islands.

¹ See excepted positions in this department under heading "The Entire Classified Service."

² Superintendents of national cemeteries are appointed by the Secretary of War, under sections 4873 and 4874, Revised Statutes, from soldiers discharged for disability incurred in the line of duty.

12. Contract surgeons.
13. Clerk qualified as translator of the English, Spanish, and Tagalog languages in the Bureau of Insular Affairs.

V. NAVY DEPARTMENT.¹

1. Paymaster's clerks acting as principal clerks to general storekeepers at navy yards and naval stations.²
2. Civilian professors, instructors, and teachers in the United States Naval Academy at Annapolis.²
3. All positions in the Island of Guam and in the Island of Samoa.³
4. One clerk actually on duty with each assistant paymaster of the United States Marine Corps.⁴
5. Artisan and supervisory artisan positions at the naval stations at Cavite, Olongapo, and Guantanamo.⁵

VI. DEPARTMENT OF JUSTICE.¹

1. Wardens, chaplains, and physicians in the United States penitentiaries or prisons.
2. One clerk to each United States district attorney.
3. Examiners.
4. Any person employed as field deputy in the office of a United States marshal or whose chief duties are to serve process.
5. All positions and employments deemed by the Attorney General to be legal or confidential in their character, and which relate to temporary service or which grow out of appropriation acts committing to the Attorney General the execution of some purpose of the law and the expenditure of the funds therefor, but not creating specific positions.

VII. POST OFFICE DEPARTMENT.¹

1. The Assistant Attorney General for the Post Office Department.
2. One private secretary or confidential clerk to the Assistant Attorney General, and one to the purchasing agent of the Post Office Department.
3. All employees on star routes and in post offices of the third and fourth classes, other than postmasters of the fourth class, except those in Alaska, Guam, Hawaii, Porto Rico, and Samoa.⁶
4. One auditor at the post office in New York City.
5. Clerks in charge of contract stations, appropriated for as such and so reported.

VIII. DEPARTMENT OF THE INTERIOR.¹

1. The superintendent of the Hot Springs Reservation.
2. Inspectors whose duties are of a confidential nature in the office of the Secretary of the Interior and who are appropriated for by the Congress.⁷
3. Inspectors of coal mines in the Territories.
4. Temporary clerks employed in the United States local land offices to reduce testimony to writing in contest cases, not paid from Government funds.
5. Indians employed in the Indian Service at large, except those employed as superintendents, teachers, manual-training teachers, kindergartners, physicians, matrons, clerks, seamstresses, farmers, and industrial teachers.

¹ See excepted positions in this department under the heading "The Entire Classified Service."

² As amended Dec. 2, 1910.

³ As amended Feb. 21, 1911.

⁴ Amendment of Apr. 3, 1911.

⁵ Amendment of Feb. 4, 1913.

⁶ As amended Oct. 15, 1912.

⁷ As amended Apr. 10, 1912.

6. Special commissioners to negotiate with Indians, as the necessity for their employment may arise.

7. One financial clerk at each Indian agency to act as agent during the absence or disability of the agent.

8. Physicians employed in the Indian Service and receiving not more than \$720 per annum salary, who may lawfully perform their official duties in connection with their private practice, such employment, however, to be subject to the approval of the commission.

9. All physicians employed as pension-examining surgeons, whether organized in boards or working individually under the direction of the Commissioner of Pensions. This paragraph shall not include medical examiners in the Pension Office.

10. Five special pension examiners to investigate fraudulent and other pension claims of a criminal nature.

11. Six special agents of the General Land Office to investigate fraudulent entries and other matters of a criminal nature.

12. Consulting engineers of the Reclamation Service under the Geological Survey.

13. One confidential clerk and one record clerk to the Superintendent of the Government Hospital for the Insane.

14. One private secretary to the Director of the Geological Survey.

15. Superintendents of live stock, stockmen, stock detectives, and line riders in the Indian Service.

16. Special officers to assist in the suppression of the liquor traffic in the Indian Service.

17. Superintendent of Indian Insane Asylum, Canton, S. Dak.

18. Special agent for the Chippewa Indians of Lake Superior.

19. One Indian trade supervisor.

20. Superintendents or officers in charge of national parks or reservations.

21. Chief law officer in the Reclamation Service.

22. Scouts, buffalo keepers, assistant buffalo keepers, and park rangers in the national parks.

23. One histopathologist temporarily engaged in research work at the Government Hospital for the Insane.

24. One specialist in higher education in the Bureau of Education.

25. The assistant to the Secretary in the office of the Secretary of the Interior.¹

26. All employees of the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin.²

IX. DEPARTMENT OF AGRICULTURE.³

1. (a) Agents employed in field positions the work of which is financed jointly by the department and cooperating persons or organizations outside the Federal service.

(b) Local agents outside of Washington engaged in demonstrating in their respective localities the advantages of scientific methods of agriculture. Agents of this class must be representative farmers whose ability and personality make them leaders in their respective communities.

(c) Local agents, except veterinarians, employed outside of Washington in demonstrating in their respective localities the necessity of eradicating cattle ticks, scabies, hog cholera, and animal tuberculosis, and other contagious or infectious animal diseases.

¹ Amendment of Apr. 21, 1911.

² Amendment of Nov. 19, 1912. The Neopit lumbering project is a commercial enterprise conducted for the profit and sole benefit of the Menominee tribe of Indians and its operation is in competition with private enterprises of the same kind. It thus differs from any other enterprise conducted for the benefit of the Indians and it is believed that the work can be carried on more economically and therefore with more benefit to the Indians by excepting these employees from the operation of the civil-service rules.

³ See excepted positions in this department under heading "The Entire Classified Service."

(d) Agents employed in positions at such isolated places and requiring such knowledge of local conditions that they can not, in the opinion of the commission, be filled by open competitive examination.

(e) Agents employed intermittently for short periods outside of Washington, the aggregate individual length of whose service during any one calendar year shall not exceed six months, provided that employment under this provision shall not be for job work such as contemplated in section 4 of Rule VIII. The name of the employee, designation, rate of pay, and place of employment shall be shown in the periodical reports of changes; and in addition the aggregate individual service rendered and the distribution of such service during the year shall be shown in the report of changes at the end of each year or when the employee is separated from the service.

(f) Student assistants whose salary shall not exceed a rate of \$300 a year each while employed.

Prior consent of the commission must be obtained for the appointment of agents under clause (d) above; and in making appointments under clauses (a), (b), (c), (e), and (f), a full report shall be submitted immediately by the department to the commission setting forth the name, designation, and compensation of the appointee, and a statement of the duties to which he is to be assigned, and of his qualifications for such duties, in such detail as to indicate clearly that the appointment is properly made under one of the above clauses. The same procedure shall be followed in the case of the assignment of any agent to duties of a different character.¹

2. One statistical agent in each State and Territory where authorized by law.

3. Guards and field assistants for reconnaissance parties employed temporarily during the season of danger from fires or when special work requires additions to the regular forest force. They shall serve only so long as absolutely required and in no case beyond the usual field season. So far as the commission may deem practicable such appointments shall be made from the registers of eligibles.

X. ISTHMIAN CANAL COMMISSION.²

1. All officers and employees in the service of the Isthmian Canal Commission upon the Isthmus of Panama, except those who are to perform the duties of clerk, bookkeeper, stenographer, typewriter, surgeon, physician, trained nurse, or draftsman. Appointments to clerical positions on the Isthmus of Panama paying not more³ than \$75 in gold per month may be made without examination under the civil-service rules.

2. One inspecting engineer and inspectors in the purchasing department.

XI. DEPARTMENT OF COMMERCE.²

1. All persons temporarily connected with the field operations of the Bureau of Fisheries who are paid from lump appropriations for miscellaneous expense. No person employed in a position specifically provided for by statute at any station shall be regarded as excepted from examination hereunder.

2. Shipping commissioners whose compensation for the fiscal year ending June 30, 1907, was, as shown by the records in the Department of Commerce and Labor, \$2,500 or over.⁴

3. Commercial agents, experts, and special agents to investigate trade conditions abroad and in the United States, including the insular possessions, with the object of promoting the foreign commerce of the United States, including experts and special agents employed upon the field work of investigating the cost of production at home and abroad.⁵

¹ As amended Aug. 26, 1912.

² See excepted positions under heading "The Entire Classified Service."

³ As amended July 17, 1906.

⁴ This order applies to the ports of New York, San Francisco, Port Townsend, and Boston.

⁵ As amended July 2, 1914.

XII. INTERSTATE COMMERCE COMMISSION.¹

1. Five experts to be members of an advisory board under the act of March 1, 1913, providing for the valuation of the property of carriers.
2. Five members of a board of engineers under said act.
3. One director under said act.
4. One supervisor of land appraisals under said act.
5. One chief accountant under said act.

SCHEDULE B.

CLASSIFIED POSITIONS WHICH MAY BE FILLED UPON NONCOMPETITIVE EXAMINATION.

The noncompetitive examinations authorized under Rule III, clause 2, shall consist of the same tests of fitness as those applied to other persons seeking appointment through competitive examination.

I. INTERIOR DEPARTMENT.

1. Superintendent, teacher, manual-training teacher, kindergartner, physician, matron, clerk, seamstress, farmer, and industrial teacher, in the Indian Service at large when filled by Indians.
2. Junior clerk, messenger, assistant messenger, and messenger boy, in the Office of Indian Affairs when filled by Indians.
3. Any competitive position at an Indian school when filled by the wife of a competitive employee at that school.
4. Miners, whether employed in rescue or first-aid work at rescue stations, on rescue cars, or at experimental mines, under the Bureau of Mines: *Provided*, That should the Civil Service Commission at any time have reason to believe that the privilege so afforded is abused it may revoke it.
5. Six inspectors to act as the immediate and confidential representatives of the Commissioner of Indian Affairs, subject to such evidence of qualifications as the Civil Service Commission may prescribe after consultation with the Commissioner of Indian Affairs.
6. One superintendent of irrigation in the Indian Service, who shall be competent to pass upon water rights.

II. INTERSTATE COMMERCE COMMISSION.

1. Not exceeding 20 special agents under the Division of Prosecutions,² subject to such evidence of qualification as the Civil Service Commission may prescribe after consultation with the Interstate Commerce Commission: *Provided*, That should the Civil Service Commission at any time have reason to believe that the privilege so afforded is abused it may revoke it.
2. Five assistant engineers to be employed under the act of March 1, 1913, providing for the valuation of the property of carriers.³

III. DEPARTMENT OF COMMERCE.

1. Clerks to commercial attachés, Bureau of Foreign and Domestic Commerce.⁴

IV. WAR DEPARTMENT.

1. Aeronautical engineers, aeronautical mechanical engineers, instructors in flying, and aviation mechanics in the aviation section of the Signal Corps.

¹ Amendment of Apr. 23, 1913, and Oct. 29, 1913.

² Now Division of Inquiry.

³ Amendment of Apr. 23, 1913, and Oct. 29, 1913.

Amendment of Sept. 28, 1914.

LABOR REGULATIONS.

REGULATIONS GOVERNING APPOINTMENTS IN WASHINGTON.

[As promulgated Nov. 15, 1904, and amended July 12, 1905, and Oct. 21, 1908.]

In the exercise of power conferred by section 1753 of the Revised Statutes, the President makes the following regulations to govern the selection of unskilled laborers for appointment or employment in the Executive civil service with a view of securing physical fitness and efficiency and of excluding other considerations:

REGULATION I.

The head of each department and independent executive office may designate one of its employees to serve as a member of a board of labor employment. The Civil Service Commission shall supervise and direct the work of the board and its representative on the board, in the absence of other members, shall perform the duties of the board.

REGULATION II.

Applicants must be citizens of the United States, physically and mentally qualified, of good character and habits, and of requisite experience as attested by vouchers. Age limits may be prescribed by the commission with the approval of appointing officers. Deception or fraud in any material fact shall be good cause for refusing the application or for removal from the service.

REGULATION III.

The ratings of applicants shall be based upon their relative ability to perform manual labor as shown by their physical condition, which shall be ascertained by physicians in the Federal service detailed therefor. An applicant away from Washington may be examined by his local physician in the manner prescribed by the board and the ratings based thereon; but after selection and before appointment the applicant must appear before the Government physician in Washington for re-marking, and any serious discrepancy shall disqualify for appointment.

In the examination for laborers the highest mark is 98, and for defects deduction is made from 100 in fives or multiples to 70, all below 70 being rejected. A male to be marked 98 must weigh not less than 160 pounds, be of corresponding stature, and able to lift, shoulder, and easily carry a mail bag and contents weighing 140 pounds. (The weight will be 150 pounds for the examination of May, 1915.) He must be free from physical defects, organic and functional, and in such general condition of vigor and health that there is a reasonable prospect of his

being useful for twenty years. Preference is given to men who are heavier than the average, provided of course, that the chest expansion is normal and the waist measure not excessive. Females are given a maximum rating of 95. The examination is of a modified character, and the test of strength omitted. The same method of certification is pursued as in the classified service, except that Civil War veterans are certified next after the veterans preferred under section 1754, Revised Statutes, and both are certified before all others.

REGULATION IV.

The board shall enter upon registers, showing the kind of labor in which proficient, the names of applicants rated at 85 or more in the order of their ratings, except that eligibles preferred under section 1754, Revised Statutes, rated at 85 or more, and honorably discharged veterans of the Civil War rated at 85 or more, shall have priority. The period of eligibility shall be one year. Eligibles on existing labor registers shall be transferred in the order of their physical ratings to the new registers for the remaining period of eligibility.

REGULATION V.

When an appointment or employment of an unskilled laborer is to be made, the appointing officer shall request the board to certify eligibles, stating the principal duties of the position. If in the opinion of the board the duties are of the grade performed by classified employees, the facts shall be referred to the Civil Service Com-

mission to determine the status of the position as classified or unclassified under section 3 of civil-service Rule XIII, and the vacancy shall be filled in accordance with such finding.

"Certification from the unskilled-laborer register must not be made for positions whose principal duties are:

Duties which require educational qualifications; duties of watchman, messenger, or similar work; duties pertaining to the mechanical trades or other similar skilled occupations; duties in which the employee exercises supervision; duties requiring dexterity or skill not likely to be possessed by the ordinary day laborer.

The following summary fairly represents the classes of duties which may be considered unclassified:

Attending furnace; cleaning apparatus, boilers, bottles, building, cans, floors, offices, rooms, tools, etc.; care of animals, carriages, harness, lights,

rooms, water coolers, etc.; carting; driving; dusting; handling ashes, coal, forage, freight, fuel, heavy cases, hides, ice, merchandise, snow, sugar, cans, etc.; hostler; laying carpets and taking them up; loading and unloading wagons; moving furniture, supplies, etc.; oiling trucks; piling merchandise, policing grounds (i. e., keeping them clean); polishing; porter; public-store laborer (i. e., handling merchandise which is being placed in bond and withdrawn from bond); putting up awnings and taking them down; scrubbing; stableman; storing supplies; sweeping; teaming; trucking; washing cans, windows, globes, etc.; weigher's laborer (i. e., handling merchandise at the scales)." (Commission's circular No. 1726, June, 1910.)

REGULATION VI.

If the status of the position is determined to be that of an unskilled laborer, the board shall certify from the proper register the names of the three persons at the head thereof having the requisite qualifications, which have not been three times certified to the appointing officer. The appointing officer shall select one or more of such persons, unless he shall offer objections which the board, with the approval of the commission, may deem sufficient, in which case a new certificate shall be issued omitting the names of those to whom objection has been made.

REGULATION VII.

Appointment or employment for temporary service shall be made as far as practicable as appointments to permanent positions. Where the needs of the service require, the board may authorize the temporary appointment of any eligible or of a person whose name is not on any register; but no person shall render more than thirty days' temporary service in any period of twelve months where appointed out of his turn, or outside these regulations, except as provided in Regulation XI hereof.

REGULATION VIII.

A laborer separated without misconduct shall be eligible to be restored to the register for his remaining period of eligibility, or for reinstatement in the same department or office upon certificate of the board, within one year from the date of separation.

REGULATION IX.

An employee in good standing, after at least six months' service, may be transferred to another department or office upon certificate of the board to any position requiring like qualifications.

REGULATION X.

Thirty days after the date hereof the board shall organize and be given all existing registers and all applications then in the possession of the existing board for rating and transfer to the new registers. Upon the establishment of such new registers the board shall notify appointing officers that it is prepared to certify eligibles, and thereafter no appointment or employment of an unskilled laborer shall be made except in accordance with these regulations.

REGULATION XI.

SECTION 1. The board, with the authority of the commission, shall have authority to authorize:

(a) The demotion of any person from the classified service to the position of mere unskilled laborer, and the appointment of such person in consequence of such demotion, upon his passing the required physical examination, to the position of mere unskilled laborer, a statement of duties in every instance to be appended to the request of the department for such demotion, showing the duties of the person to be demoted in his former and in his proposed new position.

(b) The temporary appointment of a mere unskilled laborer for a period to exceed thirty days, in cases of great and evident necessity.

REGULATIONS FOR FEDERAL OFFICES OUTSIDE OF WASHINGTON.¹

I. BOARD OF LABOR EMPLOYMENT.

SECTION 1. A board of labor employment shall be appointed by the United States Civil Service Commission from the members of its own force for each of the United States civil-service districts, and shall consist of the following officials:

The district secretary of each district, who shall be ex officio chairman of the board of labor employment.

An agent and a recorder, whose various duties shall be prescribed from time to time by the commission.

SEC. 2. In addition to the three members of the board for the entire district, the commission shall, in each city outside of the district headquarters where these regulations are in force, appoint a person in the Federal service in that city as an auxiliary member of the board, who shall serve as a full member of the board in connection with the appointment of unskilled laborers in the service in such city and who shall perform such duties as the commission may from time to time prescribe.

SEC. 3. In the event that in any civil-service district there is not a sufficient number of the commission's employees available, detail may be made to the commission's force for the filling of vacancies in the labor employment board, until the commission shall have men of its own to relieve such detail.

SEC. 4. Necessary changes from time to time may be made in the personnel of said board by the commission, and all the work and duties of said board shall be performed under the direction and subject to review and final action in each case by the commission.

SEC. 5. At such offices or manufacturing establishments as have regulations governing the classified service and an organized board of examiners, such board may in the discretion of the commission also act as a board of labor employment.

II. QUALIFICATIONS OF APPLICANTS.

SEC. 1. No person shall be admitted to examination who is not a citizen of the United States, or who is less than 20 or more than 50 years of age, except that veterans of the Civil War who have been honorably discharged may be examined without regard to their age.

SEC. 2. The board may refuse to register an applicant for the following reasons:

(a) Dismissal from the public service—Federal, State, or municipal—for misconduct within one year preceding.

(b) Physical or mental unfitness.

(c) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct.

(d) Intentionally making a false statement in any material fact or practicing deception or fraud in securing registration or appointment.

(e) Habitual intoxication.

SEC. 3. Application for examination shall be made in such form and manner, and be accompanied by such certificates, as the commission may prescribe.

SEC. 4. No information shall be received or considered concerning the political or religious opinions or affiliations of any applicant.

¹ Regulations promulgated Dec. 12, 1904, and amended on July 12, 1905, and Nov. 22, 1907, were superseded by new regulations promulgated July 3, 1909—those here given—which are now in force. They may be applied to such Federal offices as the Civil Service Commission may deem expedient. They are at present in effect in the following cities, the first named in each district being the headquarters of the district and of the board of labor employment for that district:

First district.—Boston, Mass.; Portland, Me.; Providence, R. I.

Second district.—New York, Brooklyn, Buffalo, N. Y.; Newark, N. J.

Third district.—Philadelphia, Allegheny, Pittsburgh, Pa.

Fourth district.—Baltimore, Md.; Newport News, Va.; Norfolk, Va.; and immediate vicinity. The employment of unskilled laborers in Washington, D. C., the headquarters of the fourth civil-service district, is governed by the regulations promulgated Nov. 15, 1904.

Fifth district.—Atlanta, Ga.

Sixth district.—Cincinnati, Cleveland, Columbus, Toledo, Ohio; Indianapolis, Jeffersonville, Ind.; Louisville, Covington, Ky.

Seventh district.—Chicago, Ill.; Detroit, Mich.; Milwaukee, Wis.

Eighth district.—St. Paul, Minneapolis, Minn.; Omaha, Nebr.

Ninth district.—St. Louis, Kansas City, Mo.; Kansas City, Kans.

Tenth district.—New Orleans, La.; San Antonio, Tex.

Eleventh district.—Seattle, Wash.; Portland, Oreg.

Twelfth district.—San Francisco, Oakland, Los Angeles, Cal.; Denver, Colo.

III. RATINGS AND ELIGIBILITY.

SEC. 1. Applicants shall be rated on a scale of 100 upon their physical qualifications and apparent ability to perform manual labor, by a physician designated by the commission. Competitors shall be duly notified of their rating.

See note to Regulation III of regulations effective in Washington, page 107, as to method of rating. ton and Baltimore (for which it is 140 pounds) is 125 pounds.
The weight of the bag for cities other than Washing-

SEC. 2. Upon completion of the physical examinations the board shall enter upon registers, by sex, the names of applicants rated at 85 or more, as follows:

Male eligibles—

- (a) Persons honorably discharged from the Army or Navy of the United States by reason of wounds or disability incurred in line of duty, in the order of their physical rating.
- (b) Honorably discharged veterans of the Civil War, in the order of their physical rating.
- (c) All others in order of physical rating.

Female eligibles will be entered on the registers in the order of physical rating.

SEC. 3. The period of eligibility shall be one year from the date of entry upon the register; but eligible registers may be extended for a longer time by the direction of the commission, when such action is deemed necessary in the interest of the service.

SEC. 4. A copy of the register shall be kept in a place accessible to the public in the office of the district secretary of the district in which the applicants are eligible, and elsewhere as the commission may direct.

IV. APPOINTMENT.

SEC. 1. Any position or employment of a mere laborer or workman in the unclassified service, unless filled by reinstatement, transfer, promotion, or reduction, shall be filled in the following manner:

- (a) The nominating or appointing officer shall request the certification of eligibles, specifying sex and principal duties of the position, and the board shall certify from the proper register the three names at the head thereof, of the sex specified, which may not have been certified three times in the office in which the vacancy exists. The commission may, however, in any civil-service district, certify from its register the three standing highest thereon shown by said register to possess the requisite qualifications for the position to be filled.

Under the provisions of this section certifying, nominating, or appointing officers may call for such vouchers or make such inquiries as they may deem advisable to satisfy themselves as to the possession of qualifications claimed by eligibles. The difficulty encountered in securing satisfactory eligibles for four-line teamsters and deckhands in the Quar-

termaster Corps at San Francisco, Cal., has been met by authorizing investigations along the lines set forth above. (Commission Circular No. 1725, June, 1910.)

See note to Regulation V effective in Washington, page 108, for the nature of duties which may properly be considered unclassified.

- (b) The nominating or appointing officer shall make selection from the three names certified, with sole reference to fitness, unless he shall offer written objections which the board, with the approval of the commission, may deem sufficient, in which case a new certificate shall be issued, omitting the names of those to whom objection has been made.

- (c) The person selected for appointment shall be duly notified by the appointing officer, and upon reporting for duty shall be given a fair trial of his conduct and capacity.

SEC. 2. A laborer separated without misconduct may, upon written application, be restored to the register of eligibles for his remaining period of eligibility, or may be reemployed without further certification, in the office from which he was separated at any time within one year.

SEC. 3. When a demand for appointment or employment arises which can not be met in the manner provided in section 1 a person whose name is either not on the register or not in turn for certification may be appointed temporarily; but such appointment shall continue only during the continuance, in the judgment of the commission, of the conditions which necessitated it, and no such person shall be thus employed more than thirty days in any period of twelve months, except as provided in Regulation VI hereof.

SEC. 4. A person appointed to an unclassified position shall not be assigned to work of a classified competitive position, and shall not be transferred or promoted to such a position except in accordance with the Executive order of April 21, 1909, viz:

The Executive order made by President Roosevelt of date March 30, 1905, recites as follows:

"With the view that hereafter under no circumstances whatever shall any unclassified laborer be assigned to classified work, I direct that the additional laborers referred to as shown in reports already made to the Civil Service Commission be regarded as classified in the positions occupied by them on the date of this order, and that they may be promoted to the clerical grade or transferred in the manner provided by the civil-service rules and regulations."

It appears that in certain cases the work of various departments, independent offices, and bureaus is of such character that it can not be economically and conveniently done consistently with a rigorous adherence to the division between classified and unclassified work. In such cases unclassified laborers are engaged for the greater part of their time on unclassified work, but at the same time there is certain classified work which could be more economically and conveniently done if such laborers were permitted to do it incidentally, and not as a part of their main work or employment.

It is therefore ordered that hereafter where such a state of things exists as is above recited unclassified laborers may be assigned to classified work incidentally, but not as a part of their main work, in cases where such work can not be conveniently and economically done by classified employees, but never without the prior consent of the Civil Service Commission, obtained before such assignment, and with a view to the doing of the particular classified work in question by unclassified employees.

V. REMOVALS.

SEC. 1. No laborer shall be removed except for such cause as, in the judgment of the head of the office, will promote the efficiency of the service, and no trial or hearing shall be required except at the discretion of the officer making the removal.

SEC. 2. The reasons for any removal shall be made of record in the office in which the person is serving, and shall be open to the inspection of the board and the commission.

SEC. 3. Heads of offices shall require assistant superintendents or foremen of divisions or crews to make monthly reports showing specifically the kind of labor performed by the unclassified laborers in their charge, which report shall be open to the inspection of the board and the commission.

VI. DEMOTIONS, TRANSFERS, AND EXTENSIONS OF TEMPORARY SERVICE.

SEC. 1. The commission shall have authority to authorize:

(a) The demotion of any person from the classified service to the position of mere unskilled laborer, and the appointment of such person, in consequence of such demotion, upon his passing the required physical examination, to the position of mere unskilled laborer; a statement of duties in every case to be attached to the application of the department for such demotion, showing the duties of the person proposed to be demoted in the old and new position.

(b) The transfer of any mere unskilled laborer from any office or bureau to another, provided that such unskilled laborer is in good standing and has had at least six months' experience, and the qualifications in the new position are the same as those in the old.

(c) The temporary appointment of a mere unskilled laborer for a period to exceed 30 days in cases of great and evident necessity.

"Where eligibles can not be secured within the period of 30 days and no register of eligibles exists, such condition will be construed as bringing the case within the intent of the regulation provid-

ing for extension beyond 30 days in 'cases of great and evident necessity.'" (Minute of commission, May 19, 1910.)

VII. REPORT OF APPOINTMENTS AND CHANGES.

SEC. 1. If a position of laborer requires, in connection with the usual duties of mere laborer, the performance of work of the grade done by classified employees, it should be filled from a register for the classified service and not under these regulations. No person who is to perform manual labor merely, in cities where the labor regulations are in force, shall be appointed otherwise than in accordance with these regulations.

See note to Regulation V, effective in Washington, page 108, for nature of duties which may properly be considered unclassified.

SEC. 2. Nominating or appointing officers in cities where these regulations are in force shall make monthly reports of appointments and changes in the status of all laborers to the commission and shall state specifically in each case of appointment or change of duties the kind of labor performed and, where the laborer is assigned

to more than one kind of work, approximately the length of time assigned to classified and unclassified work daily. The board of labor employment shall have access to the pay roll for the purpose of checking up said reports.

VIII. EXTENSION OF THE REGULATIONS.

The commission is authorized to extend the application of these regulations to Federal offices in other cities than those in which they are now in force.

REGULATIONS GOVERNING THE APPOINTMENT OF POSTMASTERS OF THE FOURTH CLASS.

[As approved by the President Nov. 25, 1912, and amended by the President May 7, 1913.]

All positions of postmaster of the fourth class, except in Alaska, Guam, Hawaii, Porto Rico, and Samoa having been by the Executive order of October 15, 1912, placed in the competitive classified service and made subject to the civil-service laws and rules, the following regulations shall govern appointments to such positions:

1. Appointment to offices having an annual compensation of as much as \$180 shall be made in the same manner as provided by the civil-service laws and rules for other positions in the competitive classified service: *Provided*, That in the event that for the examination for any such office less than three persons apply, the Civil Service Commission may, in its discretion, authorize selection in accordance with section 2 of these regulations.

2. Appointment to offices having an annual compensation of less than \$180 shall be made in the following manner: When a vacancy has occurred or is about to occur in any such office, the Postmaster General shall direct a post-office inspector to visit the locality and make report for appointment from among the persons filing applications, in the order of their fitness; due notice of such visit shall be made in the locality to be visited; such report shall be based solely upon the suitability of the applicant and his ability to provide proper facilities for transacting the business of the office. The inspector shall make his report in duplicate and accompany each duplicate with a list of all applicants. Such report shall include a statement of the qualifications of each applicant and of the reasons for such report. The Post Office Department shall transmit to the Civil Service Commission one copy of such report showing the action thereon.

3. Whenever persons who are property taxpayers and patrons of a post office having an annual compensation of less than \$180 submit to the Civil Service Commission and to the Post Office Department sworn statements in duplicate, over their own signatures, that an applicant, an eligible, or an appointee is unsuitable for office, giving specific reasons therefor, the commission may investigate the matter; and if upon the evidence it is shown to the satisfaction of the commission that, in the case of an applicant or an eligible, he is unsuitable for appointment, he shall not be further considered for appointment; and if, in like manner, it is shown to the satisfaction of the commission that an appointee is unsuitable for office he shall be removed after due procedure required by law; and the Post Office Department shall, upon receipt of such sworn statements from patrons, suspend appointment in the case of an applicant or eligible to which such sworn statements may relate until said investigation is made by the Civil Service Commission and reported.

4. In all cases selection for appointment shall be made with sole reference to merit and fitness and without regard to political or religious considerations. No inquiry shall be made as to the political or religious opinions or affiliations of any applicant or eligible, and in conformity with section 10 of the civil-service act no recommendation in any way based thereon shall be received or considered by any officer concerned in making selections or appointments. The attention of the writer of any such recommendation shall be invited to the purport of this order, and attention hereto shall be similarly directed in connection with any verbal recommendation. Where it is found that there has been a violation of these provisions by any officer concerned in making selections or appointments, such fact shall be cause for the immediate removal of such officer from the service, and the Civil Service Commission shall make prompt report of any such case for appropriate action to the Postmaster General or, as to presidential appointees, to the President. The appointment of the fourth-class postmaster concerned, if effected, shall be canceled. Persons employed as postmasters of the fourth class, while retaining the right to vote as they please and to express their opinions privately on all political subjects, shall take no active part in political management or in political campaigns. Any such postmaster taking such part shall be removed from the service or otherwise disciplined, recommendation as to the penalty to be im-

posed in each case to be made by the Civil Service Commission. This section shall apply to all offices of the fourth class of whatever compensation.

5. A postmaster of the fourth class having an annual compensation of less than \$500 shall not be eligible for transfer to any other position in the competitive classified service. A postmaster of the fourth class having an annual compensation of as much as \$500 may, in accordance with law and the civil-service rules, be transferred to a position of rural carrier at the same post office after having passed the examination prescribed for original appointment as rural carrier or its equivalent; and he may be transferred under like restrictions to any other position in the competitive classified service after having served three years in such service.

6. When the annual compensation of an office is increased to as much as \$180 the incumbent of such office shall be given all the rights and privileges of persons appointed to offices with annual compensation of as much as \$180.

7. No person shall be appointed under the regulations of November 25, 1912, as amended, as postmaster of an office of the fourth class where the annual compensation is as much as \$500 after he has reached his sixty-fifth birthday.

The President has issued the following Executive orders:

MAY 7, 1913.

The Executive orders of November 30, 1908, and October 15, 1912, bringing the positions of postmaster of the fourth class into the competitive classified service, are hereby amended by adding thereto the following:

"No person occupying the position of postmaster of the fourth class shall be given a competitive classified status under the provisions of said orders unless he has been appointed as a result of open competitive examination, or under the regulations of November 25, 1912, or of January 20, 1909, or until he is so appointed.

"At any post office of the fourth class where the present postmaster was appointed otherwise than as above set forth, appointment shall be made in accordance with the regulations approved November 25, 1912, as amended this date; and for this purpose the Civil Service Commission shall hold an open competitive examination for each such office having an annual compensation of as much as \$180, such examinations for all such post offices to be held by States, as requested by the Postmaster General: *Provided*, That in the event that for any such examination less than three persons apply the Civil Service Commission may, in its discretion, authorize selection in accordance with the provisions of the regulations as amended this date governing selections for appointment to offices having annual compensation of less than \$180; and in like manner the regulations of November 25, 1912, as amended this date, shall be applied to each office where the annual compensation is less than \$180 and where the present incumbent was appointed otherwise than as above set forth."

JANUARY 12, 1915.

The Civil Service Commission having reported that at a number of offices no eligibles were secured as a result of the examination for fourth-class postmaster, under the Executive order of May 7, 1913, providing for a competitive examination for each post office where the postmaster was appointed otherwise than under the regulations of November 25, 1912, or of January 20, 1909, that order is hereby amended by adding the following:

The Civil Service Commission shall hold a second examination for each office which has an annual compensation of as much as \$500 and for which no eligibles were secured as a result of the first examination. The commission may also in its discretion hold a second examination for any office for which no eligibles were secured as a result of the first examination and which has an annual compensation of between \$180 and \$500.

CLASSIFICATION OF THE EXECUTIVE CIVIL SERVICE.

The classification of the civil service, based upon section 163, Revised Statutes, was adopted by each head of a department and Government establishment by direction of the President on June 9, 1896. It arranges officers and employees, other than mere laborers and persons whose appointments are confirmed by the Senate, in classes according to annual salary or compensation, as follows:

- | | |
|---|---|
| A. Less than \$720. | 2. \$1,400 or more and less than \$1,600. |
| B. \$720 or more and less than \$840. | 3. \$1,600 or more and less than \$1,800. |
| C. \$840 or more and less than \$900. | 4. \$1,800 or more and less than \$2,000. |
| D. \$900 or more and less than \$1,000. | 5. \$2,000 or more and less than \$2,500. |
| E. \$1,000 or more and less than \$1,200. | 6. \$2,500 or more. |
| 1. \$1,200 or more and less than \$1,400. | |

The classification further provides that no person appointed as a laborer without examination under the rules shall be assigned to work of the same grade as that performed by classified employees, and no person shall be admitted to any place not excepted from examination by the rules until he shall have passed an appropriate examination before the commission and his eligibility has been certified to the appointing officer by the commission.

The Railway Mail Service has a different classification prescribed by section 1402, Revised Statutes, as amended by an act approved August 24, 1912 (37 Stat., 555), and a different classification of the Post Office Service is prescribed by an act of March 2, 1907 (34 Stat., 1205).

REGULATIONS GOVERNING CERTAIN BRANCHES OF THE CLASSIFIED SERVICE OUTSIDE OF WASHINGTON.

Regulations prescribing methods of appointment and promotion have been adopted with the concurrence of the heads of the departments concerned, for the Ordnance Department at Large, the Engineer Department at Large, the Quartermaster Corps, except the Philadelphia Depot, for which there are special regulations, Isthmian Canal Service, Bureau of Fisheries, Subtreasury Service, Mint and Assay Service, Life-Saving Service, Lighthouse Service, Public Health Service, Reclamation Service, Government Hospital for the Insane, Indian Service, Irrigation and Allotment Services, Geological Survey, and the Coast and Geodetic Survey in relation to persons employed on vessels.

Regulations governing promotions have been applied to the Railway Mail Service, Navy Department, Department of Agriculture, Bureau of Engraving and Printing, Government Printing Office, promotion of taggers to stock examiners in the Bureau of Animal Industry of the Department of Agriculture, and to the customs ports of New York, Chicago, Baltimore, Philadelphia, New Orleans, San Francisco, Portland (Oreg.), and Port Townsend.

Regulations relating to the appointment and promotion of foremen, mechanics, and laborers are in force at the navy yards. These regulations may not be modified without the approval of the commission.

The regulations for the Engineer Department at Large provide for a central board in the department at Washington which has the control and direction of the local boards, and such details connected with the application of the civil-service rules as do not require the action of the Chief of Engineers or the Secretary of War. This board communicates directly with the commission. The local engineer boards in the several districts prepare lists of eligibles for the various noneducational positions for which applicants may register.

The regulations for several of the other branches of the classified service provide a system by which applicants may be registered by local boards of examiners made up of officers in the branch of the service affected, who rate applicants upon the elements of experience and physical condition, and certify eligibles for appointment.

The promotion regulations in general provide for the relative rating of employees on the basis of their services. In the marking, the character, quality, and quantity of work, and the office habits of the employee are considered.

Federal positions in the Philippines, Porto Rico, and Hawaii, and other insular possessions are filled in the same manner as positions of the same classes in other localities outside of Washington. Positions in the insular service of the Philippines are regulated by an act and rules promulgated by the Philippine Government and those in Porto Rico by an act of the Porto Rican Legislature in effect January 1, 1908. Insular positions in Hawaii are not classified.

The regulations referred to, unless mentioned below under the publications of the commission, are issued by the departments concerned.

PUBLICATIONS OF THE COMMISSION.

In addition to the annual reports, which may be consulted at the principal public libraries, the commission issues the following publications:

MANUAL OF EXAMINATIONS.

A manual of examinations (Form 302) published semiannually, in January and July, containing information as to the dates and places of examinations not held under the district system, and the character and scope of each, and also showing the numbers of persons examined, passed, failed, and appointed, respectively, in certain examinations during the last preceding fiscal year.

INFORMATION FOR APPLICANTS.

For the position of unskilled laborer in the District of Columbia (Labor Form 1); for the position of unskilled laborer outside of the District of Columbia (Labor Form 1a); in regard to examinations held on other than scheduled dates (Form 376); for examination for mechanical trades and other noneducational positions in the departmental and Indian Services (Form 1250); for positions under the district system and positions in the Federal service in Alaska, Hawaii, and Porto Rico (Form 1372); for examinations for entrance to the Steamboat-Inspection Service (Form 1405); for the railway mail clerk examination (Form 1407); concerning conditions of employment in the competitive classified service under the Isthmian Canal Commission (Form 1417); for the positions of female skilled laborer in the Government Printing Office and printer's assistant in the Bureau of Engraving and Printing (Form 1419); for stenographer and typewriter examinations (Form 1424); for promotion or transfer to the position of post-office inspector (Form 1502); for examination for the position of fourth-class postmaster (Form 1759); in regard to the admission of deaf-mutes to civil-service examinations (Form 1786); for the positions of aid and deck officer in the Coast and Geodetic Survey (Form 1799); relative to employment in the Philippine civil service (Form 1894); for positions in the Post Office Service in the Sixth Civil-Service District (Form 1898); for the rural carrier examination (Form 1977); for mechanical trades and similar noneducational positions in the Fourth and Sixth Civil-Service Districts (Form 1989).

MISCELLANEOUS INFORMATION.

Concerning reinstatements (Form 126); for boards of examiners and nominating officers concerning applications, examinations, and appointments (Form 131); concerning transfers (Form 305); concerning removals (Form 505); concerning political assessments and partisan activity of officeholders (Form 1236); relative to the manner of conducting the stenographer and typewriter examinations (Form 1338); concerning veteran preference (Form 1481); for district secretaries and other persons conducting investigations for the Civil Service Commission (Form 1698); regarding the classification, assignment, and appointment of laborers (Form 1725); concerning temporary appointments (Form 1729); concerning the method of conducting examinations for the position of fourth-class postmaster (Form 1758); for appointing officers with respect to unauthorized appointments (Form 1774); concerning prosecutions in connection with civil-service examinations under provisions of the Criminal Code of the United States (Form 1775); concerning the extent of civil-service districts (Form 1842); relating to the classification of assistant postmasters and clerks at certain first and second class post offices (Form 1865); for boards of examiners, Engineer Department at Large (Form 1866); in regard to difference in relative standing on a register of the same person at different times (Form 1899); concerning transfers, supplementary (Form 1903); for boards of examiners, Ordnance Department at Large (Form 1904); relative to the manner of conducting the rural-carrier examination (Form 1986); the civil-service act, rules, and Executive orders.

REGULATIONS.

Governing admission to the grade of surfman in the Life-Saving Service (Form 396); governing the employment of mates in the Coast and Geodetic Survey (Form 1470); governing the appointment of unclassified laborers in the departments at Washington, D. C. (Form 1485); governing the manner of appointment to the position of carrier in the Rural Delivery Service (Form 1494); governing promotions in the Customs Service at the port of New York (Form 1522); governing promotions and transfers in the Customs Service at ports other than that of New York (Form 1556); governing the appointment of fourth-class postmasters (Form 1752); in regard to traveling expenses of employees of the commission in the field (Form 1777); governing the appointment of unclassified laborers in Federal offices outside of Washington, D. C. (Form 1782); governing promotion from positions below the grade of clerk or copyist, Departmental Service; governing appointments to the Navy Yard Service.

ARCHIVES OF THE COMMISSION.

In aid of persons interested in promoting the civil-service reform movement, historical investigators, and others who may desire to know what material is to be found in the archives of the commission bearing upon subjects concerning which they desire information, it may be said that the library of the commission contains fairly complete collections of congressional documents and departmental and other publications relating to executive patronage and the civil service, as well as collections of bills, speeches, and newspaper clippings, and of the reports and other publications of State and city civil-service commissions. The records of the commission are largely administrative in character, and their interest is chiefly personal, but they are of value in the study of Executive patronage and the application of remedies for abuses in the exercise of the appointing power. They are complete since the establishment of the commission in 1883, are provided with a subject index, and accessible for historical purposes. They embrace the minutes of the proceedings of the commission in 36 volumes, a card record of everyone in the classified service, with a history of his service, volumes containing specimens of all questions used in the examinations, reports of hearings before committees of Congress, and files of correspondence with the President, the executive departments, and the general public.

The annual reports of the commission, of which 31 have been issued, contain historical and statistical statements of the chief matters of public interest in the commission's work. The Twenty-fifth Report contains an index of the preceding reports and a list of the notable articles in them.

The politics laboratory of the department of politics of Columbia University, New York City, is making a fairly exhaustive collection of material on civil service, which it is believed will be of advantage to students of civil-service reform.

HISTORICAL REGISTER

OF THE

UNITED STATES CIVIL SERVICE COMMISSION.

COMMISSIONERS:

JOHN A. McILHENNY, *Louisiana, President.*
 CHARLES M. GALLOWAY, *South Carolina.*
 HERMON W. CRAVEN, *Washington.*

GEORGE R. WALES, *Chief Examiner.*
 JOHN T. DOYLE, *Secretary.*

List of commissioners, chief examiners, and secretaries since 1883.

Name.	Whence appointed.	Date of oath of office.	Date of retirement.
COMMISSIONERS.			
Dorman B. Eaton.....	New York.....	Mar. 9, 1883	Resigned Apr. 17, 1886.
John M. Gregory.....	Illinois.....	do.....	Resigned Nov. 9, 1885.
Leroy D. Thoman.....	Ohio.....	do.....	Do.
Wm. L. Trenholm.....	South Carolina.....	Nov. 9, 1885	Resigned Apr. 17, 1886.
Alfred P. Edgerton.....	Indiana.....	do.....	Removed Feb. 9, 1889.
John H. Oberly.....	Illinois.....	Apr. 17, 1886	Resigned Oct. 10, 1888.
Charles Lyman.....	Connecticut.....	do.....	Resigned May 24, 1895.
Hugh S. Thompson.....	South Carolina.....	May 9, 1889	Resigned June 23, 1892.
Theodore Roosevelt.....	New York.....	May 13, 1889	Resigned May 5, 1895.
George D. Johnston.....	Louisiana.....	July 14, 1892	Removed Nov. 28, 1893.
John R. Procter.....	Kentucky.....	Dec. 2, 1893	Died Dec. 12, 1903.
William G. Rice.....	New York.....	May 16, 1896	Resigned Jan. 19, 1898.
John B. Harlow.....	Missouri.....	May 25, 1896	Resigned Nov. 14, 1901.
Mark S. Brewer.....	Michigan.....	Jan. 19, 1898	Died Mar. 18, 1901.
William A. Rodenberg.....	Illinois.....	Mar. 25, 1901	Resigned Mar. 31, 1902.
William Dudley Foulke.....	Indiana.....	Nov. 15, 1901	Resigned Apr. 30, 1903.
James Rudolph Garfield.....	Ohio.....	Apr. 24, 1902	Resigned Feb. 25, 1903.
Alford W. Cooley.....	New York.....	June 18, 1903	Resigned Nov. 6, 1906.
Henry F. Greene.....	Minnesota.....	June 20, 1903	Resigned Apr. 30, 1909.
John C. Black.....	Illinois.....	Jan. 16, 1904	Resigned June 10, 1913.
John A. McIlhenny.....	Louisiana.....	Nov. 30, 1906	
James T. Williams, jr.....	North Carolina.....	May 5, 1909	Resigned May 25, 1909.
William S. Washburn.....	New York.....	May 26, 1909	Resigned June 30, 1913.
Charles M. Galloway.....	South Carolina.....	June 20, 1913	
Hermon W. Craven.....	Washington.....	July 3, 1913	
CHIEF EXAMINERS.			
Charles Lyman.....	Connecticut.....	May 11, 1883	Apr. 17, 1886. ¹
William H. Webster.....	do.....	Aug. 28, 1886	Died Mar. 23, 1896.
A. Ralph Serven.....	New York.....	June 8, 1896	Resigned June 7, 1903.
Frank M. Kiggins.....	Tennessee.....	June 8, 1903	Died Oct. 26, 1906.
George R. Wales. ²	Vermont.....	Dec. 16, 1906	
SECRETARIES.			
Wm. S. Roulhac.....	North Carolina.....	June 11, 1883	Died Apr. 17, 1884.
Robert D. Graham.....	do.....	Apr. 25, 1884	Resigned Sept. 15, 1886.
John T. Doyle. ³	New York.....	Sept. 15, 1886	

¹ Appointed commissioner.

² Mr. Wales, when appointed by the President as chief examiner, had served on the force of the commission for 14 years as clerk, examiner, law clerk, chief of division, and assistant chief examiner.

³ Mr. Doyle was appointed stenographer to the commission Mar. 9, 1883, and promoted upon appointment by the President from that position to secretary.

EXECUTIVE ORDERS.

[General Executive orders from Aug. 26, 1912, to June 15, 1914, and special exceptions to the civil service rules from Oct. 17, 1912, to Oct. 30, 1913, are published in the Thirtieth Annual Report. The following are general orders from June 16, 1914, to Sept. 28, 1914, and special exceptions to the civil service rules from Nov. 1, 1913, to Oct. 1, 1914.]

I. GENERAL ORDERS AMENDING THE CIVIL SERVICE RULES.

APPOINTMENT OF PERSONS WITH RARE QUALIFICATIONS.

July 25, 1914.

Civil service Rule II is hereby amended by the addition of the following section, to be numbered 10:

10. Whenever the commission shall find that the duties or compensation of a vacant position are such, or that qualified persons are so rare, that, in its judgment, such position can not, in the interest of good civil service administration, be filled at that time through open competitive examination, it may authorize such vacancy to be filled without competitive examination; and in any case in which such authority may be given, evidence satisfactory to the commission of the qualifications of the person to be appointed without competitive examination shall be required. A detailed statement of the reasons for its action in any case arising hereunder shall be made in the records of the commission and shall be published in its annual report. Any subsequent vacancy in such position shall not be filled without competitive examination except upon express authority of the commission in accordance with this section.

The Executive order of December 1, 1910, and paragraph 15 of Subdivision I of Schedule A are hereby revoked.

This amendment to the civil service rules makes existing authority a part of the civil service rules, where it logically belongs, and obviates confusion by the elimination of an Executive order and a provision of the civil service rules covering the same general class of cases.

ADMISSION OF ALIENS TO EXAMINATION.

July 25, 1914.

Section 1 of Rule V is hereby amended by adding thereto the following proviso:

Provided, That when an examination has been duly announced to fill a vacancy and there is a lack of eligibles who are citizens, the commission may, in its discretion, examine persons who are not citizens, but they shall not be certified for appointment so long as citizens are eligible.

As amended this section will read:

1. No person shall be admitted to examination unless he be a citizen of or owe allegiance to the United States: *Provided*, That when an examination has been duly announced to fill a vacancy and there is a lack of eligibles who are citizens, the commission may, in its discretion, examine persons who are not citizens, but they shall not be certified for appointment so long as citizens are eligible.

This order merely transfers to the civil service rules a provision of an Executive order of June 13, 1906.

RESTORATION OF NAME OF PROBATIONER TO REGISTER.

July 25, 1914.

Clause (c) of section 1 of Rule VII is hereby amended by adding the following sentence:

A probationer separated from the service without delinquency or misconduct may be restored to the register of eligibles in the discretion of the commission for the remainder of his period of eligibility.

The practice indicated has been in effect for more than 15 years and for a number of years was included in the civil service rules.

AMENDMENT TO REMOVAL RULE.

July 28, 1914.

Civil service Rule XII is hereby amended to read as follows:

RULE XII.—REMOVALS AND REDUCTIONS.

1. Section 6 of the act of August 24, 1912, 37 Stat. 555, provides "That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same: * * * "

2. In making removals or reductions, and in other punishment, like penalties shall be imposed for like offenses, and no discrimination shall be exercised for political or religious reasons.

3. Pending action under section 1 of this rule, or for disciplinary reasons, a person may be suspended for a period not to exceed ninety days, but the reasons for such suspension shall at the time of the suspension be filed in the records of the proper department or office and copies shall be furnished the commission upon request. The period of suspension may be extended beyond ninety days with the prior consent of the commission.

4. The commission shall have no jurisdiction to review the findings of a removing officer upon the reasons and answer provided for in section 1 of this rule, nor shall the commission have authority to investigate any removal or reduction, unless it is alleged with offer of proof, that the procedure required by section 1 of this rule has not been followed or that the removal was made for political or religious reasons.

This amendment is recommended by the Civil Service Commission for the following reasons:

The procedure in removals and reductions prescribed by section 2 of the rule as amended February 8, 1912, has been superseded by section 6 of the act of August 24, 1912. It is desirable that this provision of law be incorporated in the rule and that the statutory provision precede the provisions of the rule resting upon Executive authority. Provisions which do not accord with the statute have been eliminated.

Section 2 supersedes the former section 1, the only material difference being the omission of a statement which appears in the statute, which is now section 1 of the rule as amended.

Section 3, which formerly provided for suspension for a maximum period of ninety days, has been amended to provide for extension of this period with the consent of the commission, authority for suspensions in excess of ninety days being desirable in cases of criminal prosecution or other judicial proceedings and in some cases for investigation and due deliberation. The provision that the person suspended shall be furnished with a statement of the reasons has been omitted, but the requirement that the reasons be made a part of the official records is retained with the further provision that the commission shall be furnished copies of the reasons upon request.

Section 4 remains unchanged with the single exception that the references to other sections of the rule have been changed to correspond with the amended rule.

II. ORDER AMENDING SCHEDULE A.

EXCEPTION OF COMMERCIAL AGENTS, EXPERTS, AND SPECIAL AGENTS, DEPARTMENT OF COMMERCE.

July 2, 1914.

Schedule A, Subdivision XI, section 3, of the civil-service rules is hereby amended to read as follows:

"3. Commercial agents, experts, and special agents to investigate trade conditions abroad and in the United States, including the insular possessions, with the object of promoting the foreign commerce of the United States, including experts and special agents employed upon the field work of investigating the cost of production at home and abroad."

III. ORDERS AMENDING SCHEDULE B.

APPOINTMENT OF SIX INSPECTORS TO ACT AS CONFIDENTIAL REPRESENTATIVES OF COMMISSIONER OF INDIAN AFFAIRS.

May 13, 1914.

Schedule B of classified positions which may be filled upon noncompetitive examination under civil-service Rule III, clause 2, is hereby amended by adding the following section under the heading "I. Interior Department":

"5. Six inspectors to act as the immediate and confidential representatives of the Commissioner of Indian Affairs, subject to such evidence of qualifications as the Civil Service Commission may prescribe after consultation with the Commissioner of Indian Affairs."

This order is issued on the recommendation of the Secretary of the Interior and the Commissioner of Indian Affairs with the concurrence of the Civil Service Commission because of the great responsibility imposed upon the Commissioner of Indian Affairs in the administration of the affairs of 300,000 Indians with property worth nearly a billion dollars, requiring 6,000 employees and property for administrative purposes and school uses valued at nearly thirty million dollars. These vast human and material interests of a dependent people are committed to the care and oversight of the Secretary of the Interior under the immediate direction of the Commissioner of Indian Affairs who needs a corps of inspectors immediately responsible to him in the discovery of fraud and malfeasance.

APPOINTMENT OF CLERKS TO COMMERCIAL ATTACHES, DEPARTMENT OF COMMERCE.

September 28, 1914.

Schedule B of classified positions which may be filled upon noncompetitive examination under Rule III, clause 2, is hereby amended by adding at the end thereof the following:

III. DEPARTMENT OF COMMERCE.

1. Clerks to commercial attaches, Bureau of Foreign and Domestic Commerce.

This order is recommended by the Secretary of Commerce and concurred in by the Civil Service Commission.

IV. MISCELLANEOUS ORDERS.

ACCEPTANCE OF APPOINTMENTS AS DEPUTY STATE FISH OR GAME WARDENS BY EMPLOYEES OF RECLAMATION AND NATIONAL PARK SERVICES.

July 9, 1914.

The Executive order of January 17, 1873, prohibiting certain civil officers from accepting offices under the authority of States or Territories, is hereby amended so as to permit the acceptance, with the approval of the Secretary of the Interior, by employees of the Reclamation Service and of the National Park Service, of appointments as deputy State fish or game wardens under the laws of the States or Territories wherein such employees may be on duty, provided that the service as deputy warden shall be without compensation and shall in no manner interfere or be inconsistent with the duties of such employees in the Government service wherein they are employed.

V. ORDERS EXCEPTING PERSONS NAMED FROM THE REQUIREMENTS OF THE RULES.

November 1, 1913.

Mrs. Florence Kugler, of the District of Columbia, may be appointed as a clerk, class 1, in the Bureau of Pensions, Department of the Interior, without reference to the requirement of examination under the civil-service rules.

Mrs. Kugler is the widow of Wellington Kugler, who served for over 20 years as a clerk in the Quartermaster's Department, United States Army, and died February 11, 1911, at San Antonio, Tex., while still serving in that capacity.

Mr. Kugler was a clerk in the office of the Adjutant General, and was injured at the time of the collapse of the Ford Theater building, which was occupied by the Record and Pension Office under the Adjutant General. A board of surgeons afterwards reported that Mr. Kugler was three-fourths permanently injured. He never recovered

from the effects of the disaster, and in the opinion of the doctors and his family the injuries thus received hastened his death.

Mrs. Kugler was appointed to a temporary position in the Bureau of Pensions September 6, 1912, for a period of 60 days. On November 6, 1912, the appointment was extended until further notice. On May 20, 1913, former Commissioner Davenport reported that all appointments on the temporary roll would expire the 30th day of June and that Mrs. Kugler had an excellent record and had performed her duties in an exceptionally efficient manner. On June 20, 1913, Commissioner Saltzgeber reported that, after an interview with Mrs. Kugler and an examination of her record, which he found most excellent, he cordially indorsed her application for an Executive order.

For the above reasons this order is issued authorizing the appointment of Mrs. Kugler to a position in the classified service.

November 8, 1913.

The temporary employment of Mr. Neil Senter, as clerk in the Quartermaster Corps of the Army at Fort Bayard, N. Mex., may be continued for a period of six months from November 11, 1913, without reference to the provisions of paragraph 4, civil-service Rule VIII.

This order is issued in view of the fact that Mr. Senter's separation from the service at this time would be prejudicial to his health.

November 18, 1913.

Mr. George U. Harn, jr., of Ohio, may be reinstated in the classified service under the Department of Agriculture, notwithstanding the length of his separation from the service.

Mr. Harn was removed from the position of assistant observer at a salary at the rate of \$1,000 per annum in the Weather Bureau on September 25, 1909; the reason given at the time being "for spitefully attacking his superior officer through the instrumentality of a third person." The Secretary of Agriculture reports that from a careful examination of the case it does not appear that Mr. Harn was guilty of the charge made against him; that the presentation of the matter was made by the third party of his own volition and not at the solicitation of anyone, and that Mr. Harn had no knowledge of his intention to submit to the President an attack on the chief of the Weather Bureau. In view of Mr. Harn's excellent record for industry, accuracy, and efficiency in the department, as evidenced by reports which were received during the time he was in the employ of the Weather Bureau, and the fact that his dismissal from the service was not warranted, the Secretary of Agriculture recommends that the civil-service rule requiring that separation must have occurred within one year next preceding the requisition of the nominating or appointing officer for a reinstatement certificate be waived in this case. The Civil Service Commission does not concur in recommending that an Executive order be issued in this case.

December 1, 1913.

Mr. Richard Cullen may be transferred, after reinstatement in the War Department, without reference to the requirement in clause (a), section 8 of civil-service rule X of actual service of at least six months next preceding transfer.

Mr. Cullen served as a soldier in the Union Army during the Civil War and was honorably discharged. He had nearly 19 years of service as an enlisted man and general service clerk with the Army prior to his appointment as a clerk in the War Department under the civil-service rules in 1883. He was separated from a clerkship in the Adjutant General's Office of the War Department November 17, 1909, without prejudice on account of physical disability.

In view of Mr. Cullen's eligibility for reinstatement in the War Department the Civil Service Commission concurs in the recommendation of the Secretary of War that the requirement of six months' service next preceding transfer be waived that Mr. Cullen may be appointed to a subclerical position in the post office service.

December 5, 1913.

Miss Eva L. Moran may be appointed to a clerkship in the War Department without reference to the requirement of examination under the civil-service rules.

Miss Moran is the daughter of Thomas M. Moran, who has served as a clerk in the War Department for 50 years and whose service during all that time has been faithful and meritorious. He has now reached an advanced age, is seriously ill, and it is reported that it is likely he will never be able to return to duty.

The Secretary of War recommends that an order be issued authorizing the appointment of Miss Moran. The Civil Service Commission does not concur in the recommendation of the Secretary of War.

December 5, 1913.

Mr. Herbert L. Solyom may be reinstated as an assistant examiner in the Patent Office, the year limit upon eligibility in his case being waived.

Mr. Solyom served four and one-half years as an assistant examiner in the Patent Office, resigning on August 9, 1907, to accept the position of chief forecaster in the meteorological office of the Argentine Republic. While employed as assistant examiner in the Patent Office he displayed unusual ability and scientific attainments, his work being excellent as to quality and quantity. A man of Mr. Solyom's experience is more valuable than a new appointee would be within three or four years.

In view of the technical character of the position of assistant examiner and the evident qualifications of Mr. Solyom for the position, the Civil Service Commission joins with the Secretary of the Interior in recommending an Executive order waiving the year limit, to permit his reinstatement.

December 10, 1913.

Mr. George P. Herndon may be appointed to a clerkship in the Bureau of the Census, Department of Commerce, at \$1,000 per annum, without reference to the requirement of examination under the civil-service rules.

Mr. Herndon was appointed a clerk at \$900 per annum in the Bureau of the Census on June 1, 1900; promoted to \$1,000 September 1, 1900; and to \$1,200 November 15, 1901. His services were discontinued June 30, 1902.

This order is issued in view of the satisfactory service rendered by Mr. Herndon in the Twelfth Census and the statement of the Director of the Census that he would be glad to recommend the reinstatement of Mr. Herndon, which the Secretary of Commerce approves.

December 18, 1913.

Mr. Alfred Freeman, of New Jersey, may be appointed clerk in the postal service without reference to the requirement of examination under the civil-service rules.

This order is issued at the suggestion of the Postmaster General on account of the great increase in the handling of packages due to the introduction of the parcel post. Mr. Freeman has had more than 12 years' experience supervising the delivery of small packages and the handling of a large force of men.

December 22, 1913.

Mr. Albert K. Brown, now employed as a classified laborer in the Bureau of Fish and Fisheries, may be promoted to the position of clerk at \$1,200 per annum without examination under the civil-service rules.

Mr. Brown has for years performed without promotion work of a character that would justify much larger pay. This action is taken on account of Mr. Brown's experience and his admitted intelligence, skill, and exceptional ability for the position for which his promotion is proposed. His promotion is recommended by the Secretary of Commerce, which is concurred in by Mr. Brown's superiors in the Bureau of Fish and Fisheries. The Civil Service Commission does not concur in recommending that an Executive order be issued in this case.

December 22, 1913.

Mrs. Mary Hill Dunn may be appointed as a clerk in the Navy Department without compliance with the civil-service rules.

Mrs. Dunn is the wife of Mr. Charles A. Dunn, who was employed in the Secretary's office of the Navy Department for a period of over 23 years, he having resigned March 15, 1909, as clerk at \$1,800 per annum, on account of the fact that he was afflicted with tuberculosis. For the greater portion of the period since that date he has been confined at the naval hospital, Las Animas, Colo., and his wife and two small children are without means of support. While employed in the Navy Department Mr. Dunn rendered efficient service, and was considered one of the most valuable clerks in the office. Mrs. Dunn has had considerable experience in office work outside the Government service, and was recently temporarily employed in the Census Office and the Pension Office.

The Secretary of the Navy is satisfied that she is well qualified to perform the duties of a clerkship, and recommends that an Executive order be issued authorizing her appointment. The Civil Service Commission does not concur in the recommendation.

December 22, 1913.

Mr. Herbert L. Halter may be appointed a rural carrier at Hershey, Nebr., without reference to the civil-service rules.

Mr. Halter was a clerk in the Navy Department from June 19, 1909, to September 27, 1911. His separation was due to his having contracted tuberculosis, and he has

since received treatment at the naval hospital at Las Animas, Colo. The disease has been arrested, but it is necessary that he remain in a climate which is similar. His appointment as rural carrier was requested by the Secretary of the Navy and is concurred in by the Postmaster General and the Civil Service Commission.

December 22, 1913.

Miss Anita H. Stephens, formerly an employee in the Philippine civil service, may be appointed to the position of clerk (first grade) in the Department of Commerce, without further examination under the civil-service rules.

Miss Stephens was formerly employed in the Library of Congress and was transferred to the position of assistant librarian in the bureau of science at Manila, at an annual compensation of \$1,400, the Civil Service Commission having certified that she had submitted evidence of her training and experience from which it appeared that she had the requisite qualifications to render her eligible for appointment.

In view of the excellent service of Miss Stephens in the Philippines and the fact that the condition of her health made it necessary for her to leave the islands two months before the expiration of the three-year period of service which would have rendered her eligible for transfer this order is issued. The transfer and appointment of Miss Stephens is recommended by the Assistant Secretary of War and the Chief of the Bureau of Insular Affairs, and is concurred in by the Secretary of Commerce. The Civil Service Commission does not concur in recommending that an order be issued in this case.

January 19, 1914.

Miss Edith P. Johnson may be continued as chief operator of a billing machine in the office of the appraiser of merchandise at the port of New York without reference to the civil-service rules.

Miss Johnson has served in this position since November 16, 1911, and because of her fidelity and industry and certain unusual features of the case, the Civil Service Commission joins with the Treasury Department in recommending this order.

January 24, 1914.

Mr. Francis H. Duehay may be appointed superintendent of prisons, Department of Justice, without reference to the civil service rules. This order is issued upon the recommendation of the Attorney General, who believes that Mr. Duehay is especially qualified for the position, which requires a peculiar order of talent. The Civil Service Commission concurs in the recommendation.

January 24, 1914.

Mrs. Eliza Ryon may be reinstated in the classified nonapportioned force of the Bureau of Engraving and Printing without reference to the year limitation.

This order is recommended by the Secretary of the Treasury in view of the fact that Mrs. Ryon was before marriage an efficient employee. She married an employee of the Bureau of Engraving and Printing, who is now afflicted with tuberculosis and will not be able to resume duty. The Civil Service Commission concurs in the recommendation.

February 3, 1914.

Mr. George D. De Shields may be reinstated as a clerk in the Treasury Department without reference to the year limitation of the civil-service rules.

Mr. De Shields was separated from a temporary excepted position on February 25, 1910. Approval of his reinstatement was requested on March 4, 1910, on the basis of service in a competitive position which ceased on July 3, 1908. Reinstatement certificate was refused on the ground that the department had attempted to prolong his eligibility by a previous reinstatement under which no service was rendered. Resort to such practice, which could not be sanctioned under the civil-service rules, was unnecessary, as Mr. DeShields had had practically continuous service. The practice referred to has been ended, and the commission in view of Mr. De Shields's good record concurs with the department in recommending his reinstatement by Executive order.

February 5, 1914.

Mr. Howard L. Strawn may be reinstated to an appropriate position in the competitive service in the Government Printing Office.

Mr. Strawn served almost continuously as a clerk from July 14, 1890, to July 1, 1895, and as an inspector from July 1, 1895, to July 1, 1909, when his designation was changed to inspector of paper and material. On June 30, 1911, he was dropped from the rolls of the Government Printing Office because of a legislative provision that the salary of the inspector for the Joint Committee on Printing should be paid one half by the Secre-

tary of the Senate and the other half by the Clerk of the House of Representatives. From July 1, 1911, to October 15, 1913, he served as inspector of paper and material for the Joint Committee on Printing, his services being terminated on the latter date.

In view of the long and efficient service of Mr. Strawn in the Government Printing Office, both before and after the classification of that service, and his subsequent service under the Joint Committee on Printing, the commission concurs in recommending an order permitting his reinstatement in the competitive classified service.

February 6, 1914.

Mrs. Rose Tyler, who has passed the required tests for appointment under the labor regulations and is well qualified, may be appointed a charwoman without reference to her relative standing among the competitors. She has been deserted by her husband, who is a Spanish War veteran, and is now required to support herself and four little children, one of whom is blind.

The Civil Service Commission does not recommend this order.

(It will be noted that this order waives the labor regulations and not the civil-service rules.)

February 10, 1914.

Mr. George Tumlin, of Decatur, Ga., may be appointed as superintendent of the farm and transportation at the Atlanta Penitentiary without regard to the requirement of examination under the civil-service rules.

The Attorney General states that Mr. Tumlin is an expert farmer who is acquainted with local conditions and has such knowledge and ability as will enable him to remedy unsatisfactory conditions which prevail in the conduct of the farm at that penitentiary.

The Civil Service Commission is unable to concur in the recommendation for an Executive order.

March 19, 1914.

The requirement of six months' service following reinstatement and preceding transfer is hereby waived in the case of Miss Violet Bacon Foster, in view of the short period during which she was separated from the service, and she may be transferred to the position of clerk at \$900 per annum in the Bureau of Foreign and Domestic Commerce in the Department of Commerce.

Miss Foster was employed in the Civil Service Commission from July 1, 1903, until September 20, 1913, on which date she was granted leave without pay on account of ill health. On October 13, 1913, the leave was extended to November 1, 1913, when she returned to duty.

March 23, 1914.

Mr. Paul F. Myers, of Princeton, N. J., may be appointed to an appropriate position in the competitive classified service without examination.

This action is based upon the statement of the Commissioner of Internal Revenue to the Secretary of the Treasury that his services and qualifications are needed, in connection with the administration of the income-tax law, in the office of the Commissioner of Internal Revenue, in Washington, D. C.

March 30, 1914.

Mr. James L. Murphy may be retransferred to an appropriate position in the competitive classified service.

Mr. Murphy was in the service of the Interstate Commerce Commission from July 10, 1893, to February 10, 1911, and was deputy marshal of the Commerce Court from the latter date to December 31, 1913, when the court was abolished by law. Under the civil-service rules any person may be retransferred to a position in which he was formerly employed or to any position to which transfer could be made therefrom if since his transfer he has been continuously in the executive or judicial civil service of the United States and the commission may waive the requirement of six months' service immediately preceding transfer where the person has been separated within the year on account of necessary reduction of force and not by inefficiency. It is no fault of Mr. Murphy that he is not entitled to this privilege. He lost his position through the abolition of the Commerce Court. This order, which meets the approval of the Civil Service Commission, merely accords to Mr. Murphy the privilege he would have had if he had been separated from a competitive position under like circumstances.

April 2, 1914.

The requirement of six months' service following reinstatement and preceding transfer is hereby waived in the case of Mrs. Maud B. Crawford, and she may be transferred from the position of draftsman in the Geological Survey of the Interior

Department to the position of copyist at \$840 per annum in the Bureau of Supplies and Accounts of the Navy Department.

Mrs. Crawford, formerly Miss Maud Baggett, was appointed February 1, 1905, in the Geological Survey as a paleontological draftsman at \$840 per annum through appropriate examination. On June 15, 1908, she was made draftsman at \$900, and on October 15, 1910, her salary was reduced to \$780 per annum. Miss Baggett resigned on March 31, 1913. A certificate was issued for her reinstatement to the position of draftsman in the Geological Survey on February 27, 1914. Mrs. Crawford is the widow of George S. Crawford, who was employed under the Navy Department for a period of over 23 years and who at the time of his death, January 13, 1914, occupied the position of chief clerk in the United States Navy pay office, Washington, D. C. The Secretary of the Navy believes it would be a fitting recognition of the long and faithful service of Mr. Crawford under the Navy Department to authorize the transfer of Mrs. Crawford without regard to the requirements of the civil-service rules, and recommends such action.

The Civil Service Commission does not concur in recommending that an Executive order be issued in this case.

April 13, 1914.

Mr. George R. Bennett, of New Jersey, who is now employed in the excepted position of clerk, class 1, in the office of the purchasing agent of the Post Office Department, may be appointed to an appropriate position in the classified service under the Post Office Department, and transferred to such place in the postal service as the Postmaster General may determine, without regard to the civil-service rules and regulations.

Mr. Bennett is 31 years old and is an expert stenographer and typewriter. He is a technical graduate, has had a wide experience in the electrical field, and has had a thorough business training which was acquired in the service of the Erie Railroad. The Postmaster General and the purchasing agent recommend that an Executive order be issued authorizing his appointment in the classified service and his transfer to some point in a higher altitude on account of the condition of his health. The Civil Service Commission does not concur in the recommendation.

April 13, 1914.

Dr. W. R. P. Thompson, of Houston, Tex., may be appointed to a position in the Public Health Service, to be stationed at some point within the United States, without regard to the civil-service rules and regulations.

Dr. Thompson is a physician and surgeon of character, skill, learning, and experience. He was acting assistant surgeon in the Public Health Service, stationed at foreign ports in Mexico from 1907 to November 1, 1913.

April 14, 1914.

Mrs. Ada M. Nolan may be reinstated in the subclerical grade in the classified civil service of the Treasury Department without compliance with civil-service rules.

This order is recommended by the Secretary of the Treasury in view of the excellent record of Mrs. Nolan when formerly in the service of the Treasury Department and in view of the fact that her husband died recently from tuberculosis, leaving his widow with two small children with no means of support.

The Civil Service Commission does not recommend that an Executive order be issued in this case.

April 22, 1914.

Mr. James W. Cole may be reinstated in the Railway Mail Service without regard to the length of his separation from that service.

Mr. Cole was appointed on March 6, 1901, a regular clerk, and served continuously until July 30, 1910, upon one of the heavy lines of the Railway Mail Service. His record was good. On the latter date, while on duty, he was seriously injured in a wreck and although he has now entirely recovered, he did not recover sufficiently during the period of eligibility fixed by the civil-service rules to permit his reinstatement. He was thus forced out of the service by an injury incurred in the line of duty.

In view of these facts and of the statement of the department that his reinstatement will be in the interests of the service, the commission concurs with the department in recommending an Executive order.

April 25, 1914.

Mrs. Virginia Winslow may be appointed as charwoman under the War Department without regard to the requirement of the labor regulations governing the employment of laborers and charwomen in the departments in Washington, except that she be subject to examination to test her physical fitness for the work.

Mrs. Winslow is the widow of Lindsey Winslow, who was a faithful and deserving employee in the War Department in various capacities from July 1, 1872, until the time of his death, March 13, 1914.

The Acting Secretary of War recommends that an order be issued authorizing the appointment of Mrs. Winslow. The Civil Service Commission does not concur in the recommendation.

(It will be noted that this order waives the labor regulations, and not the civil-service rules.)

May 6, 1914.

Mr. Raymond Augusterfer may be promoted from the position of mechanician (electrician) on the statutory roll of the office of the Secretary of Agriculture, at a salary of \$1,200 per annum, to the position of chief engineer on the same roll, at a salary of \$2,000 per annum, without reference to civil-service Rule XI, clause (b) of section 2.

The Secretary of Agriculture recommends the promotion of Mr. Augusterfer, who has been in the department since April, 1904, for the reason that he has assisted in installing a large portion of the present equipment, and possesses an intimate knowledge of the power plant and of the intricate system of connections between the various buildings served by it. He regards the thorough practical qualifications of Mr. Augusterfer to be of much value to the department and believes it to be in the interest of efficient and economical service to promote Mr. Augusterfer to the position in question.

The Civil Service Commission does not concur in the recommendation.

May 6, 1914.

Mr. James D. Troy may be promoted from the position of assistant engineer on the statutory roll of the Secretary of Agriculture, at a salary of \$1,000 per annum, to the position of assistant chief engineer on the same roll, at a salary of \$1,400 per annum, without reference to civil-service Rule XI, clause (b) of section 2.

The Secretary of Agriculture recommends the promotion of Mr. Troy, who has been in the department since July, 1908, for the reason that he has served continuously in the power house and has been familiar with the plant for years and knows it in every detail. He regards the thorough practical qualifications of Mr. Troy to be of much value to the department and believes it to be in the interest of efficient and economical service to promote him to the position in question.

The Civil Service Commission does not concur in the recommendation.

May 12, 1914.

Paul V. Sauls, of Florida, may be appointed to a clerical position in the classified civil service without examination.

The Postmaster General recommends this order in recognition of Mr. Sauls' bravery in protecting Government property on the night of January 7, 1910. While acting as watchman in the post office at Tallahassee, Fla., Mr. Sauls was attacked by two masked burglars, both of whom, after a desperate fight, were killed. One of these burglars was a notorious yeggman who had robbed many post offices and had various indictments pending against him. On account of the appropriation act providing that rewards may be paid only for the arrest and conviction of post office robbers, Mr. Sauls can not be paid a reward by the Government.

May 16, 1914.

The superintendent of the State, War, and Navy Department Buildings is hereby authorized to promote Mr. Willard H. Wheeler to the position of watchman on the watch force of the State, War, and Navy Department Buildings, independently of Wheeler's being regularly certified for such promotion under the civil-service rules.

Wheeler, who is now a laborer under the same office, has a commendable military record to his credit, and recently in the line and the proper performance of his present duties suffered an injury to his left hand which has appreciably and permanently impaired his usefulness in doing the heavier work required of the laborer force.

The United States Civil Service Commission does not concur in the authorization of this promotion.

June 3, 1914.

Mr. Anthony Bonaud may be reinstated to the position of watchman in the United States customhouse and post-office building at New Orleans, La., without reference to the period he has been separated from the service.

Mr. Bonaud was an inspector in the Customs Service at New Orleans from August 17, 1893, to July 31, 1904, when he, with three other inspectors, was separated from the service on account of reduction of force. He alleged at the time that his selection

for removal was based on political reasons. Representatives of the Treasury Department and the Civil Service Commission who recently reinvestigated the case recommended favorable consideration of his claim for reinstatement. Mr. Bonaud recently passed the examination and met other requirements for the position of watchman but his name did not stand sufficiently high on the register to be certified.

In view of Mr. Bonaud's good record while in the Customs Service, the Secretary of the Treasury recommends his reinstatement by Executive order and the Civil Service Commission offers no objection to the reinstatement.

June 9, 1914.

Mr. Bartley F. Lynch may be reinstated in the assistant custodian and janitor service of the Treasury Department and appointed to the position of watchman in the United States Post Office Building at New York, N. Y., without regard to civil-service rules.

This order is recommended by the Secretary of the Treasury for the reason that Mr. Lynch, after an excellent record of 19 years in the assistant custodian and janitor service of the Treasury Department, was dropped on account of a reduction of force, and in view of the fact that he has a family dependent upon him for support.

The Civil Service Commission does not concur in the recommendation of the Secretary of the Treasury.

June 18, 1914.

Miss Catherine T. Moran may be appointed as a clerk-typewriter in the office of the Chief of Ordnance, War Department, at \$900 per annum, without reference to the requirement of examination under the civil-service rules.

The appointment of Miss Moran is recommended by the Chief of the Bureau of Ordnance and the Acting Secretary of War, for the reason that she has had considerable experience in Government work while temporarily employed in the Bureaus of Animal Industry and Forestry, Department of Agriculture, and the Patent Office, in the Department of the Interior; and for the further reason that as she has successfully passed four civil-service examinations in the past four years, in the last one of which she attained a general average of 87.32 per cent, and is an expert tabulator and thoroughly familiar with the technical phrases used in official correspondence, her services would be of value to the office of the Chief of Ordnance.

Miss Moran is the daughter of the late John Moran, who rendered valuable service as a clerk in the office of the Chief of Ordnance for over 42 years, and also rendered efficient service during the Civil War as a sergeant major of the Fourth Field Artillery, United States Army.

The Civil Service Commission does not concur in the recommendation of the Acting Secretary of War and the Chief of the Bureau of Ordnance.

June 19, 1914.

Mrs. Ellen H. Painter may be appointed to a position in the classified service of the Department of Agriculture, at \$900 per annum, without reference to the requirement of examination under the civil-service rules.

Mrs. Painter is the widow of John I. Painter, who was appointed on April 1, 1895, through the clerk examination as a clerk at \$720 in the office of the Auditor for the Post Office Department, and, after several promotions, was transferred on November 7, 1908, to the Department of Agriculture as a clerk at \$1,400 per annum. On November 16, 1913, he was made a special field agent at the same salary, and his separation by death was reported to the Civil Service Commission as having occurred on December 5, 1913.

On December 16, 1913, Mrs. Painter was appointed in the Bureau of Statistics as a skilled laborer at \$25 per month, the appointment being made as to an excepted position under Schedule A, subdivision 1, paragraph 6, which permits appointment without examination of persons receiving compensation aggregating not more than \$300 per annum. The chief of the bureau states that Mrs. Painter has been employed in assisting the clerical force; that she has shown much interest in her work, is intelligent, industrious, painstaking and capable, and that as a result of the experience gained in the past few months she has become quite proficient and has demonstrated that she is competent to perform satisfactorily the duties of a clerk, and that if she were eligible, under the civil-service rules, he would not hesitate to recommend her for an appointment at an entrance salary of \$900 per annum. She is now studying shorthand and typewriting with a view to increasing her value as a clerk. The Secretary of Agriculture recommends that an Executive order be issued authorizing the appointment of Mrs. Painter as a clerk in the classified service in the Bureau of Statistics of the Department of Agriculture.

The Civil Service Commission does not concur in the recommendation.

June 27, 1914.

Louis W. Nelson, of San Francisco, Cal., may be reinstated as special clerk in the post office at San Francisco, Cal., without reference to the period of his separation from the service.

Mr. Nelson resigned from the position of special clerk in the San Francisco post office May 10, 1912, to engage in private business. His reinstatement is recommended by the present postmaster, which recommendation is concurred in by the Postmaster General. The Civil Service Commission does not join in the recommendation.

July 2, 1914.

The services of Dr. Park Howell may be continued as acting assistant surgeon in the Public Health Service, for a period of not to exceed one year, beginning July 18, 1914, without compliance with the civil-service rules and regulations.

This order is recommended by the Secretary of the Treasury because the services of an additional officer are needed for the above period and there is no commissioned officer available for assignment to the duty.

July 6, 1914.

Capt. James Lee Cochrun may be appointed to a position as field agent in the Department of Agriculture without reference to the requirements of the civil-service rules.

Capt. Cochrun, who has been an officer in the Philippine Constabulary since November 26, 1906, rendered exceptionally meritorious service, was seriously and painfully wounded in an engagement with hostile Moros on January 23, 1913, and has received a medal for valor. He is incapacitated for further service as a constabulary officer, but is fully able to perform the duties of the position to which the Department of Agriculture desires to appoint him.

Under an Executive order of August 12, 1907, an officer of the Philippine Constabulary who has served seven years or more may be classified, in cases of exceptional merit, for appointment to the Federal classified service. By virtue of this order the Civil Service Commission, on May 21, 1914, upon the recommendation of the War Department, gave Capt. Cochrun a classified status, and subsequently authorized his transfer, without examination, to a position as clerk in the Bureau of Insular Affairs. In view of the fact that there is no vacancy in that bureau to which Capt. Cochrun could be appointed the Secretary of War and the Secretary of Agriculture recommend that he be transferred and appointed to the position of field agent in the Department of Agriculture.

July 6, 1914.

Mr. William N. Fisher, jr., may be promoted from the position of messenger boy in the Patent Office to that of laborer (classified), at \$600 per annum, without reference to the requirements of the civil-service rules.

Mr. Fisher was appointed a messenger boy in the Patent Office, at his present salary of \$360 per annum, on December 27, 1909, upon certification by the Civil Service Commission. The Secretary of the Interior states that the Commissioner of Patents informs him that Mr. Fisher is exceptionally efficient, and is, in character and intelligence, far above the average messenger boy certified for appointment to positions in his office. Since March 15, 1912, he has performed duties in the office of the Chief Clerk of the Patent Office, having been selected for this assignment on account of the capacity which he manifested as an examiner's aid for more than two years prior thereto. He readily adapted himself to important work which previously had been performed by a \$900 clerk, and has become so well acquainted with the organization of the Patent Office that the chief clerk is able to refer to him many of the visitors with the assurance that he can give correct information to their inquiries. Mr. Fisher's services to the Government have become valuable, and in view of his record the Secretary of the Interior recommends that the prohibition of section 6 of civil-service Rule XI, in so far as the same may apply to him, be waived, and thus permit his promotion to a position as laborer (classified) at \$600 per annum. The Civil Service Commission does not concur in the recommendation.

July 6, 1914.

Mrs. Delia A. Garvey may be reinstated as an operative in the Bureau of Engraving and Printing without regard to the length of her separation from the service.

Mrs. Garvey resigned from the position of operative on July 5, 1904, after five years of service, for the purpose of marriage. Her husband, an employee of the city post office for several years, is now in confinement because of insanity, leaving her with two small children to support.

The Civil Service Commission is unable to recommend the issuance of this order.

July 6, 1914.

Mr. Hans Peter Guttormsen may be appointed as a laborer for duty at the Rock Island Arsenal, Ill., without examination under the civil-service rules.

It appears that Mr. Guttormsen was employed in the Engineer Department at Large, near Rock Island, from April, 1875, to November 6, 1880, on which date, while in the performance of his duties, a plank broke under him and he fell 40 feet from the trestlework, breaking five ribs, fracturing his leg in three places, breaking the third finger of his right hand, bruising and lacerating the flesh on his head and face, and otherwise injuring him. It is stated that as a result of such injuries he has ever since been a permanent cripple and unable to perform manual labor.

The Acting Chief of the Bureau of Ordnance recommends that the civil-service rules be waived and that the bureau be authorized to employ Mr. Guttormsen as a laborer at \$1.25 per diem, without examination, for duty at the Rock Island Arsenal, Ill., which recommendation is concurred in by the Secretary of War.

The Civil Service Commission does not concur in the recommendation.

July 6, 1914.

Mr. Paul E. Jamieson, a messenger boy in the Department of Agriculture, may be appointed to a position as stenographer and typewriter in said department without reference to the requirements of the civil-service rules.

Mr. Jamieson was appointed a messenger boy on July 19, 1911, from the civil-service register, and on October 13, 1913, was promoted from \$360 to \$480 per annum. He made application in 1913 to take the stenographer and typewriter examination in Ohio as a resident of that State, but the Civil Service Commission refused to examine him as a domiciliary of Ohio, for the reason that the domicile of his father in Ohio did not seem to be established. He again applied for examination, but the commission adhered to its former decision. Mr. Jamieson was admitted to the stenographer and typewriter examination for the nonapportioned service only, and was examined in Washington, D. C., obtaining a rating of 74.02.

The Secretary of Agriculture states that Mr. Jamieson is industrious, intelligent, and ambitious; that in the efficiency ratings he is rated as "excellent"; that he has studied stenography and typewriting and passed the civil-service examination in these subjects; that in character, intelligence, excellence of service in his present position, and capacity for usefulness in work of the higher grade for which he has shown his proficiency by passing the civil-service examination, Mr. Jamieson has demonstrated his desirability as an employee, and in view of this record the Secretary recommends that an Executive order be issued authorizing his promotion to the above-named position. The Civil Service Commission does not concur in the recommendation.

July 6, 1914.

Mrs. Zera A. Kullman may be reinstated to a position in the subclerical grade in the classified service of the Treasury Department without regard to the length of time she has been separated from the service.

This order is issued on the recommendation of the Secretary of the Treasury, who states that Mrs. Kullman was formerly employed in the Treasury Department and rendered efficient service there, and on account of her experience and training her services will be immediately valuable.

It is understood that Mrs. Kullman's husband recently died, leaving her with three small children and without means of support.

The Civil Service Commission does not concur in recommending the issuance of this order.

July 6, 1914.

Mrs. Ella Riley Oliphant may be appointed to a position in the Government Printing Office without reference to the requirements of the civil-service rules as to examination.

Mrs. Oliphant was temporarily employed as a sewer in the Government Printing Office at various times during the years 1901, 1902, and 1903. Her father contracted a disease while in the Navy from which he died. Two of her brothers served in the Army for three years during the Civil War. She is a widow, with no income whatever.

July 8, 1914.

Mrs. Mary L. Brown may be appointed without examination as a clerk in the War Department in place of her mother, Mrs. Elizabeth F. Long.

Mrs. Brown has had several years of experience in the Census Office and with the Immigration Commission, where she was unusually competent as statistical clerk and supervising clerk. Mrs. Brown and her mother belong to a family greatly distinguished

for services rendered to the Government in its military and naval branches. In view of these facts the Secretary of War recommends the appointment of Mrs. Brown.

The Civil Service Commission does not concur in the recommendation of this order.

July 15, 1914.

Mrs. Anna B. Frost may be appointed to the position of copyist, at \$900 per annum, in the Bureau of Construction and Repair, Navy Department, without reference to the requirement of examination under the civil-service rules.

Mrs. Frost is the wife of Mr. Floyd T. Frost, who has been continuously employed in the Navy Department since March 8, 1890, and who has rendered faithful and efficient service. In 1910 Mr. Frost suffered a stroke of paralysis, from which he has never fully recovered, and at the present time he is wholly incapacitated for work, having been absent from the office since the latter part of March, 1914.

The Secretary of the Navy states that the department finds it necessary to fill the position occupied by Mr. Frost. As Mrs. Frost possesses sufficient clerical ability to perform the duties of the position, the Secretary recommends that an Executive order be issued authorizing her appointment. The Civil Service Commission does not concur in the recommendation.

July 28, 1914.

Mr. Fred Fox, jr., may be reinstated to the position of storekeeper-gauger in the Internal-Revenue Service, in the district of Tennessee, without reference to the period he has been separated from the service.

Mr. Fox was removed February 18, 1908, from the position of storekeeper-gauger in the district of Tennessee on charges of neglect of duty and false regauging of spirits. The Secretary of the Treasury states that after a careful reconsideration of the papers in the case the department is of the opinion that the removal of Mr. Fox in 1908 was not justified, and his reinstatement is recommended.

The Civil Service Commission does not concur in the recommendation.

July 28, 1914

Mr. J. N. Gilbert may be reinstated to the position of storekeeper-gauger in the Internal-Revenue Service, in the district of Tennessee, without reference to the period he has been separated from the service.

Mr. Gilbert was removed February 15, 1908, on charges of neglect of duty and false regauging of spirits. The Secretary of the Treasury states that after a careful reconsideration of the papers in this case the department is of the opinion that the removal of Mr. Gilbert in 1908 was not justified, and his reinstatement is recommended.

The Civil Service Commission does not concur in the recommendation.

July 29, 1914.

B. F. Edwards may be reinstated as a clerk in the Treasury Department, without reference to the civil-service rules, upon the recommendation of the Secretary of the Treasury and with the concurrence of the Civil Service Commission, who report that the record appears to show plainly that Mr. Edwards's resignation as a clerk of class 2 in the office of the Commissioner of Internal Revenue on July 10, 1897, was not occasioned through any delinquency but was requested for political reasons.

(The attitude of the commission in cases of proposed Executive orders to permit reinstatement of persons alleged to have been separated for political reasons, is that it is not warranted in recommending an order unless it is shown that the removal was made for political reasons and not because of delinquency or misconduct, and that the rules were therefore violated in the removal. In determining the cause of removal the commission has not confined itself to the record in the case but has given due consideration to all evidence presented.)

August 3, 1914.

Richard Green may be promoted from messenger to clerk in the classified executive civil service of the Treasury Department without compliance with the civil-service rules.

This order is issued on the recommendation of the Secretary of the Treasury, because of the long and faithful service of Richard Green as personal messenger to all Secretaries of the Treasury since 1877, and as a reward for especially meritorious service.

The Civil Service Commission does not concur in this order.

August 3, 1914.

Mr. Fred T. Karr may be reinstated as a railway postal clerk without reference to the year limit of eligibility.

Mr. Karr was appointed through examination on March 18, 1907, was several times promoted, and resigned on August 2, 1912, on account of the poor condition of his health. His reinstatement is recommended by the Postmaster General and the General Superintendent of the Railway-Mail Service in the interest of good administration because of his satisfactory record and because of his previous training, which would be of value to the service. He has submitted a medical certificate showing that he is in good physical condition. The Civil Service Commission concurs in recommending this order.

August 22, 1914.

Mr. Charles E. Stewart, of Alabama, may be appointed to the position of chief clerk and superintendent of buildings, Department of Justice, without reference to the civil-service rules.

This order is issued upon the recommendation of the Attorney General, who states that the position of chief clerk is highly confidential and requires a peculiar order of talent; that a diligent effort has been made within the classified service to find some one possessing the required qualifications, but without success. The Attorney General believes that Mr. Stewart, who is known to him personally, is especially qualified for the position, and that the interests of the public would be subserved by exempting the appointment.

August 27, 1914.

Mr. William J. Sammond, of New Jersey, may be appointed as electrician in the Government Printing Office, without reference to the civil-service rules.

Mr. Sammond was an electrical machinist at the Washington Navy Yard from April 4, 1905, to August 20, 1907, and an electrician in the State, War, and Navy Department Building from that date until July 14, 1911, when he resigned. He was appointed deputy marshal of the Supreme Court of the District of Columbia on October 26, 1911. He is ineligible for retransfer to the classified service under the civil-service rules, which require continuous service, for the reason that there was a break in his service from July 14, 1911, to October 26, 1911.

The Public Printer states that Mr. Sammond is a thorough mechanic, of high ability, and he is of the opinion that his appointment would work to the benefit of the Government Printing Office.

The Civil Service Commission does not recommend that an order be issued in this case.

September 2, 1914.

Mrs. Mary E. Danks may be reinstated as a clerk in the classified executive civil service without regard to the civil-service rule limiting the eligibility for reinstatement to one year.

This order is recommended by the Secretary of the Treasury.

September 2, 1914.

The period of eligibility of Mrs. Nora C. Gleason is hereby extended to permit her reinstatement in the Bureau of Engraving and Printing.

Mrs. Gleason rendered many years of exceptionally efficient service in the Bureau of Engraving and Printing. It is necessary for her to have employment in order that she may be able to support herself and that her husband, who is suffering from tuberculosis, may have medical attention.

The Director of the Bureau of Engraving and Printing states that he believes that the reappointment of Mrs. Gleason would be to the best interests of the service.

In view of the facts, the commission concurs with the Treasury Department in recommending this order.

September 2, 1914.

The year limit upon eligibility for reinstatement is extended to permit the reinstatement of Paul A. Stegall as a railway postal clerk in the Post Office Department.

Mr. Stegall was appointed a substitute railway postal clerk October 24, 1904, through examination. He was badly injured while on duty on January 29, 1905; was subsequently reinstated; but, not having sufficiently recovered to be able to perform his duties, he resigned on March 4, 1907. He received no relief because of his injury. A physician's certificate shows that he is now physically capable of performing the duties of a railway postal clerk.

The Postmaster General believes that the facts in Mr. Stegall's case are such that exceptional consideration could properly be given him. The Civil Service Commission concurs in recommending this order.

September 2, 1914.

The year limit upon eligibility for reinstatement is extended to permit the reinstatement of Maurice B. Landers as assistant examiner in the Patent Office, Department of the Interior.

Mr. Landers was appointed assistant patent examiner on September 11, 1908, through examination, and resigned February 18, 1913. Since his separation he has been engaged in the practice of patent law. He has a good professional and technical education and is reported by the Commissioner of Patents to be a man of ability and efficiency, who performed work of great value while in the service. His qualifications are such that he is equipped to render more valuable service than a newly appointed person, and the Secretary of the Interior recommends his reinstatement by Executive order. The Civil Service Commission concurs in the recommendation.

September 10, 1914.

Mr. William C. DeLanoy may be appointed director and Mr. J. Brooks B. Parker, may be appointed assistant to the director in the Bureau of War Risk Insurance in the Treasury Department without compliance with civil-service rules.

The issuance of this order is recommended by the Secretary of the Treasury for the reason that on account of the technical character of the work required the services of specially qualified men will be necessary in the higher grades, and Mr. DeLanoy and Mr. Parker are regarded as experts in the particular line of work that will be assigned to the new bureau.

September 17, 1914.

Miss Bessie H. Burwell, who was appointed to the position of classified laborer in the office of the Secretary of Commerce, may be promoted to a suitable clerkship in the classified service under the Department of Commerce without reference to the civil-service rules.

In view of her efficiency and excellent record in the department, the Secretary of Commerce recommends that an Executive order be issued authorizing her promotion. The Civil Service Commission does not concur in the recommendation.

September 30, 1914.

Maurice Lyons may be appointed a clerk in the classified service of the Treasury Department without compliance with civil-service rules.

This order is issued on the recommendation of the Secretary of the Treasury.

(The commission was not advised of the reasons for the issuance of this order.)

October 1, 1914.

Mrs. Fannie L. Hopkins, of Virginia, who is now on the civil-service eligible list for appointment as a clerk, may be appointed a clerk at \$1,000 per annum in the Department of State, upon the retirement of her mother, Mrs. Mary D. Moore, and without observance of the apportionment rule.

Mrs. Hopkins has herself and two children to support. Her mother has been a faithful and efficient clerk in the Department of State for the past 25 years and is now anxious to retire, but can not do so unless her daughter is permanently employed. This order is issued upon the recommendation of the Secretary of State, who is satisfied that Mrs. Hopkins, who has been tested by her temporary employment under the Government, is qualified to perform the duties of clerk and that the public service will be benefited by her appointment.

APPOINTMENTS AUTHORIZED BY COMMISSION WITHOUT EXAMINATION, UNDER EXECUTIVE ORDER OF DECEMBER 1, 1910, PARAGRAPH 15, SUBDIVISION I, SCHEDULE A, AND PARAGRAPH 10 OF RULE II.

UNDER ORDER OF DECEMBER 1, 1910.

Dr. Arno Viehoveer. (Minute 1, Nov. 25, 1913.)

The Secretary of Agriculture requested approval of the appointment of Dr. Viehoveer, of Germany, as pharmacognosist in the Bureau of Chemistry, at \$3,000 per annum. It appeared that the qualifications and training required for the position are not furnished by any of the institutions of the United States and are so rare that it would be useless to attempt to fill the position through competition.

Cassius A. Fisher. (Minute 15, Dec. 12, 1913.)

The continuation of the employment of Mr. Fisher as consulting mining engineer in the Bureau of Mines at \$8 per diem when employed, was approved, his previous appointment having been authorized under similar authority on February 2, 1912. Mr. Fisher is engaged in the preparation of a bulletin on the safety, waste, and general methods of coal mining in the Rocky Mountains. The department stated that owing to his absence on duty in Alaska he has been unable to accomplish much of the work for which he was appointed, and that it was desired that approval of his appointment be granted to cover an additional period of 18 months from November 24, 1913.

F. H. Lewis. (Minute 4, Jan. 24, 1914.)

In view of the peculiar qualifications required of a Chinese translator, the commission was of the opinion that the position could not, in the interests of good civil-service administration, be filled through a competitive examination, and the appointment of Mr. Lewis in the Division of Customs, Treasury Department, was therefore approved.

Valentine R. Garfias, Louis G. Huntley, and Frederick G. Clapp. Minute 1, Feb. 25, 1914.)

The continued temporary employment of Messrs. Garfias, Huntley, and Clapp as temporary petroleum and assistant petroleum engineers in the Bureau of Mines was authorized, it appearing that they were to be employed only for intermittent service and in a consulting capacity.

William W. Wilson. (Minute 1, Apr. 13, 1914.)

Upon the facts stated by the Postmaster General and in view of his qualifications and experience, the appointment of Mr. Wilson was authorized as a post-office inspector, he having thorough familiarity with mechanical labor-saving devices, and ability to investigate and disclose frauds and irregularities.

Express expert or agent, Interstate Commerce Commission. (Minute 1, Apr. 21, 1914.)

The Interstate Commerce Commission requested authority for the appointment at a salary not to exceed \$3,600 per annum of a person having a wide knowledge of rates, rules, regulations, practices, accounts, and revenues of express companies, among whose duties will be that of representing the commission at meetings of a committee composed of one member appointed by each State for the purpose of considering the subject of arriving at a uniform method of intrastate express rates, rules, regulations, practices, etc., in harmony with those already prescribed by the Interstate Commerce Commission for interstate carriers, and also to represent the commission at meetings of officials of the carrier companies for the purpose of effecting compliance with the classifications and regulations regarding accounts, methods, etc., promulgated under the various sections of the act to regulate commerce. The appointment as requested was approved, the position appearing to be one of unusual character for which persons qualified are so rare that it is not deemed practicable to attempt to fill the same through competitive examination.

James E. Runcie. (Minute 3, May 16, 1914.)

The Secretary of War requested approval of the appointment of Mr. Runcie, first lieutenant, United States Army, retired, as librarian of the United States Military Academy, the position being of special importance and requiring the incumbent thereof to possess qualifications of a peculiar character. The Military Academy is a professional and technical school, and it devolves upon the librarian to so direct the students that they will acquire that cultural knowledge which is necessary, but which does not form part of the prescribed curriculum. It was desired, therefore, that the librarian should be a graduate of the academy, familiar with the atmosphere and workings of the institution, in sympathy with its aims, its ideals and standards, and should combine with these qualifications experience in fields of activity outside the military service. In the earlier history of the academy, the duties of librarian were performed by one of the professors, and since the position of librarian has been created it has been filled by a graduate of the academy. Lieut. Runcie graduated from the Military Academy in 1879, and subsequently served there as an instructor. He was retired for disability incurred in the line of duty in 1894, but reentered the service as a major of the First Ohio Volunteer Cavalry for the Spanish War, and served as such from May to October, 1898. He remained in Cuba and performed valuable service during the period of military government. His interest in the library at West Point has been a sustained one, and he has kept up a line of contribution of books to that library. He is believed to be the most available and best qualified graduate for the position.

Dr. Andrew Hunter. (Minute 1, May 20, 1914.)

The Secretary of the Treasury requested approval of the appointment of Dr. Hunter as biochemist at \$4,000 per annum in the Public Health Service. The qualifications required for the position are extremely rare, and Dr. Hunter is believed to be the only man available for the work to be done.

Miss Mathilde Koch. (Minute 2, May 20, 1914.)

Appointment of Miss Koch as special agent in the Public Health Service, \$2,400 per annum, was approved for duty in laboratory studies in the chemistry of certain tissues and fluids in connection with investigation of diseases. The Treasury Department stated that it believed Miss Koch to be the only person in the country who has the qualifications necessary for this particular line of research, and testimony as to her experience and qualifications was submitted.

E. W. Anderson. (Minute 2, June 18, 1914.)

On request of the Acting Secretary of War the commission approved the appointment of E. W. Anderson as assistant to the commissioner for marking Confederate graves, at \$1,200 per annum. Mr. Anderson was associated with Samuel E. Lewis, commissioner for marking Confederate graves, for a long period of time in the arduous labors of investigations of the graves of Confederate prisoners of war and the presentation of facts ascertained to the Congress for its opinion, with appropriate recommendations providing for remedial measures which resulted in the enactment of the law of June 6, 1900, concerning the Confederate dead in Arlington; the law approved March 9, 1906, for marking Confederate graves lying in the Northern States; and the continuation of said law with added duties, approved March 14, 1914, under which the commissioner is now engaged.

It was stated that Mr. Anderson's sympathy and thorough knowledge of the laws pre-eminently qualify him for the appointment; that he is of high character, and an attorney at law.

Dr. Thomas N. Carver. (Minute 3, July 3, 1914.)

On request of the Secretary of Agriculture the commission approved the appointment of Thomas N. Carver as advisor in agricultural economics, at a salary of \$4,000 per annum. The services of Dr. Carver were desired in connection with the new lines of work in rural organization which the department is to inaugurate during the fiscal year 1915. This work is of unusual importance to the efficient progress of agriculture throughout the United States. Some results have already been achieved along these lines, but in a large sense the field is an uncultivated one and one in which there is a meagerness of persons capable of giving expert advice and assistance. The services of Dr. Carver were desired especially because of the extensive studies that he has conducted along the lines of agricultural economics and sociology, including the fundamental factors of agricultural production, the problems of farm management, distribution of farm products, and the problems of rural social life. The department stated that Dr. Carver is perhaps the foremost American authority in rural economics and is recognized throughout the world as an authority in the field of general economic theory and history. It is believed that no other individual available has the experience, training, and education along the lines required.

Miss Anna L. Strong. (Minute 6, July 9, 1914.)

On request of the Department of Labor the appointment was approved of Miss Anna L. Strong as clerk, at \$1,600 per annum, as expert on child welfare exhibits in the Children's Bureau. The duties of this expert will be to plan and direct such exhibits as the bureau may make, beginning with its exhibit at the Panama-Pacific Exposition. Frequent demands are made by bodies of public-spirited citizens in all parts of the country for loan material for child-welfare exhibits, and for expert advice in the preparation of such exhibits. The person selected for this position should have a thorough education in economics and sociology so that he may know what the problems of child welfare are, and more especially should have had successful, practical experience assembling and directing child-welfare exhibits. The person should also be familiar with the different mechanical devices for presenting exhibit material, with requirements of floor space, and fixtures, with methods of securing publicity, with transportation problems, and with the costs of exhibits; in short, with all the details of exhibit work. The chief of the Children's Bureau reported that Miss Strong is the only person known who has the requisite qualifications for such a position and who could be secured at the salary. Miss Strong holds the degree of doctor of philosophy from Chicago University and has managed successful child-welfare exhibits in several cities. She served as executive secretary of the child-welfare committee of the National Conservation Exposition at Knoxville, Tenn., of which Miss Lathrop acted

as chairman, and Miss Lathrop thus gained personal knowledge of her work. The commission is of the opinion that the qualifications for the position are so rare that it is improbable that a suitable appointee could be obtained as a result of competitive examination.

Grover C. Loening. (Minute 6, July 9, 1914.)

Appointment was approved of Grover C. Loening, formerly with the Wright Company at Dayton, Ohio, as aeronautical engineer, Signal Service, San Diego, Cal., at \$300 a month, the qualifications for the position being so rare that it appeared impracticable to hold a competitive examination.

UNDER PARAGRAPH 15, SUBDIVISION I, SCHEDULE A.

Capt. Hollis C. Clark. (Minute 2, Nov. 13, 1913.)

The request of the War Department for authority to appoint Capt. Hollis C. Clark, United States Army, retired, to collect, copy, classify, edit, or publish the scattered military records of the Revolutionary War, as provided in the act of Congress approved March 3, 1913, was approved. It is understood that Capt. Clark will supervise the work referred to and will receive pay from the appropriation provided in the act equal to the difference between his pay as a retired officer and that which he would receive if on the active list. Authority was also granted to employ for comparatively brief periods or at irregular intervals such historians, librarians, archivists, or antiquarians as may be needed in connection with the work at the respective depositories of the records of the Revolutionary War. This authority covers any similar employments which may be made under that part of the appropriation which was made for a similar purpose concerning the naval records of the Revolutionary War.

Prof. Felix Lohnis. (Minute 3, Jan. 28, 1914.)

On request of the Secretary of Agriculture the appointment was approved of Prof. Lohnis, professor of agricultural bacteriology at the University of Leipzig, Germany, as soil bacteriologist, \$2,750 per annum. He is said to be the foremost European student of soil bacteriology, is the author of standard publications on the subject, and is believed, on account of his unusual experience, to be better qualified for the research work to be done than any other man in the world.

Oscar A. Brindley. (Minute 4, Jan. 28, 1914.)

The appointment of Oscar A. Brindley, an experienced aviator, as aeronautical expert, at \$400 a month at the aviation school, Signal Corps, San Diego, Cal., was approved, the qualifications for the position being so rare that it appeared impracticable to hold a competitive examination.

Mark Daniels. (Minute 3, Mar. 3, 1914.)

On request of the Secretary of the Interior the appointment was approved of Mr. Daniels, as expert landscape engineer, at \$10 per annum, besides reimbursement of actual expenses of traveling, subsistence, etc., for the purpose of preparing a comprehensive general plan for development and improvement of the Yosemite National Park.

Joseph Leprince. (Minute 6, May 2, 1914.)

The Treasury Department stated that under authority of law the Public Health Service was making systematic studies of the prevalence of malaria and its prevention; that the services of an experienced sanitary engineer were required with special qualifications; that he must have both a theoretical knowledge of the disease and its methods of transmission and wide experience in methods of prevention. This involves practical information regarding different species of mosquitoes and the prevention of their breeding by drainage operations requiring engineering ability. It was stated that so far as known the above qualifications are best possessed by Dr. Leprince, chief sanitary inspector of the Canal Zone, who devoted his entire time for over 10 years to the solution of problems connected with the prevention of malaria in the Canal Zone and who has been in direct charge of antimosquito operations under Col. Gorgas. His appointment as sanitary engineer in the Public Health Service, at \$4,000 per annum, was approved.

Internes, Isthmian Canal Service. (Minute 1, May 15, 1914.)

The Isthmian Canal Commission stated that it was desired to make appointments for one or two years' service of recent graduates from the best medical schools as internes for service at the Ancon hospital, the appointees to receive no salary but to

be allowed board, quarters, and free transportation and to act as assistants to the regular physicians at the hospital. They will not be appointed as physicians unless they enter regular competitive examinations. Appointments approved.

Commissioners of conciliation, Department of Labor.

The Department of Labor stated that the duties of the position of commissioner of conciliation required men of thought, large experience, clear judgment, and fair-mindedness—men who have gained the confidence and respect of both sides. It was stated that as at present provided by Congress the appointments of such commissioners would be for temporary periods only in connection with the settlement of labor disputes as they may arise from time to time. The appointments of the following-named persons were approved: John A. Moffitt, A. L. Faulkner, and James A. Smyth (Minute 1, Apr. 25, 1914); Frank S. Lerch and William Blackman (Minute 1, June 13, 1914); Charles W. Mills, Patrick Gilday, Herman Robinson, W. W. Husband, and Charles O'Neil (Minute 2, July 23, 1914).

UNDER SECTION 10, RULE II.

Andrew J. Shamblin. (Minute 6, July 28, 1914.)

On request of the Secretary of Agriculture the commission approved the appointment of Mr. Andrew J. Shamblin as field inspector for scale insects of date palm, at a salary of \$1,200 per annum, in the Federal Horticultural Board. It was stated that Mr. Shamblin will be engaged in the inspection of imported date-palm offshoots, treating infested plants by sprays and other means, and noting the effect of such treatment on the plants and on the scale insects, in an endeavor to clean up the date infestation in California and Arizona in connection with the date-palm scale insect quarantine. The department stated that Mr. Shamblin's long experience in the date-growing regions in California and Arizona makes him without doubt the best qualified man in the United States for the position and that the chairman of the Federal Horticultural Board reports that he knows of no other man who could satisfactorily carry out the work.

Prof. Charles H. T. Townsend. (Minute 4, Aug. 5, 1914.)

On request of the Secretary of Agriculture the appointment of Prof. Charles H. T. Townsend, of Michigan, as entomological assistant, at a salary of \$1,800 per annum, in the Bureau of Entomology for duty in Washington, D. C., was approved. The department stated that Prof. Townsend was to be assigned to duty as expert in the Muscoid flies, especially of the family Tachinidae, and that his work will consist in the intensive study of the parasitic flies of this group in the gipsy moth and brown-tail moth infested regions of New England. Prof. Townsend has had a very wide experience and training in entomology, having been assistant entomologist in the Department of Agriculture from 1888 to 1891; professor of entomology and zoology in the New Mexico Agricultural College from 1891 to 1893; curator of the museum in the Institute of Jamaica, Jamaica, British West Indies, 1893 to 1894; field agent, Division of Entomology, Department of Agriculture, 1894 to 1898; professor of biology and agriculture, Batangas Provincial School, Philippine Islands, 1899 to 1906; expert in charge of dipterous parasites, Gipsy Moth Laboratory, Bureau of Entomology, Department of Agriculture, 1907 to 1909; Government entomologist and director of entomological stations of Peru, 1909 to 1914. He is regarded as far in advance of any other entomologist in the line of work for which his appointment is desired and is the author of many important papers on the subject.

Michael J. Hagerty. (Minute 3, Aug. 7, 1914.)

On request of the Department of Agriculture the appointment of Michael J. Hagerty was approved, as indexer and translator of Chinese botanical, agricultural, and horticultural works in the Bureau of Plant Industry, at a salary of \$1,380 per annum. The department stated that for the work to be performed it was essential to secure someone familiar with the Chinese collections of this country, and especially those of the Library of Congress, who could translate Chinese and Japanese and index Chinese books on botany, agriculture, and horticulture, collating the Chinese names of plants with the Latin names, and thus render the information in these books available, a matter of importance in connection with the investigations of Chinese economic plants which are being made by the Bureau of Plant Industry. It was further stated that since the resignation of Dr. Hing Kwai Fung, formerly employed as an expert in the Department of Agriculture, Mr. Hagerty is the first person found who is sufficiently familiar with this sort of work to be trusted to handle it accurately, and that he formerly worked

with Dr. Fung and is familiar with Chinese, and is especially well informed concerning the Chinese collection of the Library of Congress, having assisted in arranging and cataloguing it.

Robert M. McWade and John B. Colpoys. (Minute 3, Aug. 25, 1914.)

The appointments of Messrs. McWade and Colpoys as commissioners of conciliation, Department of Labor, were authorized in accordance with the precedent of Minute 1 of April 25, 1914.

Luther P. Byars. (Minute 6, Sept. 14, 1914.)

On request of the Department of Agriculture the appointment of Luther P. Byars, of Wisconsin, as plant pathologist in nematode disease investigations, in the Bureau of Plant Industry, at \$2,000 per annum, was authorized. The department stated that the duties of the position consist in the investigation of the diseases of truck crops, forage crops, and sugar beets caused by nematodes, which diseases have been very little investigated in this country, the work requiring training in the two fields of zoology and plant pathology, a combination rarely found; that Mr. Byars has been trained in both these lines at the University of Wisconsin and has had field experience during two summers in the Department of Agriculture, and is, to the best of the department's knowledge and belief, the only available man in the country who is qualified to fill the position. It was further stated that Mr. Byars was highly recommended by Prof. L. R. Jones, professor of plant pathology at the University of Wisconsin, and Prof. H. W. Barre, professor of botany of the Clemson Agricultural College of South Carolina, both these gentlemen stating that Mr. Byars is the best qualified man known to them for the work in question. The department stated that Mr. Byars is a graduate of the Clemson Agricultural College and has taken two years post-graduate work at the University of Wisconsin, during which time the major part of his work consisted of the study of nematode problems. The commission was of the opinion that such qualifications are so rare that it would be useless to attempt to fill the position through competitive examination.

Roscoe Haines. (Minute 3, Sept. 15, 1914.)

The appointment of Mr. Haines as claims examiner, at \$1,700 per annum, in the Forest Service, at Missoula, Mont., was approved, with the understanding that his services will not be continued after the completion of the particular work upon which he is to be engaged. The position requires not only a knowledge of public land laws and rules of practice, but detective ability of a high order, absolute fearlessness, knowledge of timber and agricultural values, of local conditions, history and people, ability to describe topography, and if necessary to construct topographic maps.

John L. Savage. (Minute 3, Sept. 23, 1914.)

On request of the Director of the Reclamation Service the appointment was approved of John L. Savage, as designing engineer, at \$15 per diem. The director stated that it is desired to use Mr. Savage's services for special work in connection with the designing of an attachment to the electric drag line excavators now in use in the Boise and Minidoka projects in Idaho so as to be able to move from one drain to another without erecting transmission lines; also to design a special excavator to be used in cleaning out drains on the Minidoka project. It was stated that the Reclamation Service has been unable to locate a suitable machine for this purpose, and it has been found necessary to make up its own designs. It was further stated that the requirement constantly arises for an expert on the designing of structures and machines and to consult with engineering boards on structural and mechanical details. Mr. Savage was said to be thoroughly familiar with the work of the Reclamation Service, having gained an intimate knowledge through his previous employment in that service. It was stated that his services will probably be required for three or four months, but that his employment will not be continuous during that time.

MEMORANDUM BY THE PRESIDENT AND EXTRACTS FROM REPORTS OF HEADS OF DEPARTMENTS AND FROM OTHER SOURCES.

PRESIDENT OF THE UNITED STATES.

MEMORANDUM BY THE PRESIDENT IN CONNECTION WITH HIS APPROVAL ON OCTOBER 22, 1913, OF THE URGENT DEFICIENCY ACT RELATING TO THE APPOINTMENT OF DEPUTY COLLECTORS OF INTERNAL REVENUE AND DEPUTY MARSHALS.

I am convinced, after a careful examination of the facts, that the offices of deputy collector and deputy marshal were never intended to be included under the ordinary provisions of the civil-service law. The control of the whole method and spirit of the administration of the proviso in this bill which concerns the appointment of these officers is no less entirely in my hands now than it was before the bill became law; my warm advocacy and support both of the principle and of the bona fide practice of civil-service reform is known to the whole country, and there is no danger that the spoils principle will creep in with my approval or connivance.

SECRETARY OF THE TREASURY.

APPOINTMENT OF DEPUTY COLLECTORS OF INTERNAL REVENUE.

OCTOBER 27, 1913.

COLLECTORS OF INTERNAL REVENUE:

Referring to that portion of the urgent deficiency act, approved October 22, 1913, relating to the appointment of deputy collectors of internal revenue, collectors are advised that the object of this provision of law is efficiency, and only efficiency, and that any tendency to use this class of appointments merely for personal reward, or for anything that savors of the spoils system, will be regarded as a very serious disregard of public duty, and that they will be expected to deal with these matters in a spirit which the whole country will approve.

Hereafter when vacancies in this class of officers occur or changes are contemplated, and before such vacancies are filled or such changes are effected, collectors will forward to this office the names of the persons whom it is desired to appoint, together with a statement of their qualifications and records. No appointments in this class of officers shall hereafter be made by collectors without the approval of the department.

W. H. OSBORN, *Commissioner*.

By direction of the President:

WM. G. McADOO,
Secretary of the Treasury.

ATTORNEY GENERAL.

EXTRACT FROM CIRCULAR TO UNITED STATES MARSHALS CONCERNING APPOINTMENTS OF DEPUTY MARSHALS UNDER PROVISIONS OF THE URGENT DEFICIENCY ACT, APPROVED OCTOBER 22, 1913.

The above quoted proviso is designed to promote efficiency, and this object must be scrupulously observed. Under no conditions must marshals attempt to use these appointments merely for personal reward or partisan ends.

Deputies whose chief duties are not to serve process (office deputies) have, since March 2, 1909, been appointed under the rules of the civil service. Hereafter whenever a change in respect of any such place is contemplated by a marshal he must report the facts, especially as to the qualifications of the proposed appointee, to this department and secure its express approval before making any permanent appointment thereto.

You are expected heartily to cooperate in administering the law in harmony with the principles above specified, and any departure therefrom will be regarded as a breach of your official duty;

SECRETARY OF WAR.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

Heads of departments and chiefs of bureaus have many times recommended the enactment of legislation for the retirement of civil-service employees, and I find that in four of the annual reports of my immediate predecessors in the War Office the prin-

ciple of retirement for superannuated employees in keeping with the growing trend of railroads and other great business organizations in this direction has been strongly indorsed.

Conferences with the bureau chiefs of this department and a study of the subject generally lead me to the conclusion that some provision for retirement of faithful employees for superannuation at a prescribed age will work to the advantage of the Government in the civil service and is demanded if this service is to be administered on better business principles, as now recognized in the case of large private business organizations.

I find that the need for a retirement law has been pressed upon the attention of Congress at almost every session during the past 27 years. Since 1886, 72 bills on this subject have been introduced in Congress, but so far as I am advised none of these numerous retirement bills has ever been favorably reported from the committee to which it was referred, except the retirement measures introduced by Mr. Gillett, which were favorably reported to the House by the Committee on Reform in the Civil Service on February 23, 1909, and on April 4, 1910. Another measure introduced by Mr. Gillett during the special session of the Sixty-third Congress (House bill 3336) was referred to the same committee, but no further action has been taken.

The Gillett bills were all based upon the principle that it is for the interest of the Government to be relieved of its employees when by age they become unserviceable, or partially unserviceable; that it would lower the standard of the Government service if employees were dismissed when their usefulness becomes impaired by age unless they were assured against want; that it is the business of the employees themselves to make provision for their old age, and that the Government will hereafter, in its own interest, compel them so to do, in the case of employees who enter the service hereafter, by deductions from their monthly salaries of a sum sufficient to provide an adequate annuity, and for all employees under 70 who are now in the service, by deductions from their monthly salaries until they reach the age of 70, and where the deductions so made are insufficient for the purpose, by such contributions by the Government in addition thereto as may be necessary to provide an annuity not to exceed \$600. In the case of employees 70 years or older, and therefore subject to immediate retirement, the Government to provide the entire annuity.

On April 7, 1913, Mr. Austin introduced a bill (H. R. 196, 63d Cong., 1st sess.), the material differences between this bill and the pending Gillett bill being that the Austin bill provides for a 15 per cent increase of salary and for interest on the employee's savings at the rate of 5 per cent instead of 4. The Austin bill also makes provision for retirement for disability, while the Gillett bill does not.

On May 6, 1912, President Taft transmitted to Congress with his "unqualified approval" a retirement plan recommended by the President's Commission on Economy and Efficiency and embodied in a tentative draft of a bill which accompanied the commission's report. The essential differences between this bill and the pending Gillett bill are that its provisions were limited to the classified service in the District of Columbia, where, as stated by the President, "the loss from superannuation is greatest," the idea being to keep the plan within narrow limits during its experimental stage, with a view to its extension generally throughout the service if it should prove successful in the executive departments and offices at Washington; and that the annuity was fixed at one-half of the average annual pay for the entire period of service for annual salaries of \$1,200 or less and at \$600 a year for annual salaries above \$1,200.

The maximum cost to the Government for the annuities for persons thus retired is estimated by the President's Commission on Economy and Efficiency, under its plan, to be \$16,112,603, extending over a period of about 40 years. This does not take into account the saving to the Government that would result from a discontinuance of the payment of that part of the salaries now paid to superannuated employees which is not earned.

A modified plan of retirement which has been prepared as a result of the conferences with bureau chiefs above referred to is submitted herewith as Appendix F. In brief, this plan provides for the compulsory retirement of all employees of the classified departmental service in Washington at 70 years on an annuity of one-half of their annual pay, not to exceed a maximum of \$600 where the Government pays any part of the annuity, or \$900 when the employee provides it all, with the privilege of retirement between the ages of 65 and 70 on such small annuity as the funds to the credit of the employee will procure; all employees of the age of 70 or above in the service on the date of the approval of the act to be retired at the expense of the Government.

The Gillett bills, the Austin bill, the Economy and Efficiency Commission bill, and the War Department plan all provide in effect for a compulsory savings form of retirement instead of a straight pension provided entirely by the Government.

I feel quite sure that it is practicable to save the Government money and to benefit the Government service by establishing a retirement system. I do not believe, however, that there is any possibility of such a system being provided for in the near future by any measure that will call for larger appropriations from the Federal Treasury than would be required to pay the annuities for those now in the service; that is, the entire annuity of all those who are now 70 years of age or over, and part of the annuity of all others now in the service who shall remain therein until they reach 70 years of age; and I think it wise that the maximum annuity of which the Government pays any part should be fixed at one-half the annual salary for employees with annual salary of \$1,200 or less and at \$600 for those whose annual salary exceeds \$1,200. All persons who accept employment under the Federal civil service after the passage of a retirement act should do so under provisions of law which would compel the accumulation of a fund derived from monthly deductions from their salaries that would make it humanely possible for the Government to retire them at 70 years of age, or before that age should superannuation or other disability require it.

Mr. Hamill has introduced and strongly advocates a bill which was referred to the Committee on Reform in the Civil Service on May 15, 1913, which provides for a straight pension. Objections have been urged against a straight pension paid for entirely by the Government that in practice it has operated unsatisfactorily in countries where it has been tried, and that it has a tendency to defeat the primary interest of the Government in the matter, which is to produce a condition under which an employee of long and faithful service may without inhumanity be removed when he reaches a condition of incapacity to render effective service. Under the contributory plan, an employee after a considerable length of service would receive periodically from the fund accumulated by his contributions a sum sufficient to keep him from actual want, whereas under the straight pension plan he can not derive any benefit from the pension until he reaches the prescribed age. In other words, under the straight pension plan there would be almost the same situation that confronts us now, namely, the retention in the service, through considerations of humanity, of persons who have become incapacitated for efficient service. (Report of 1913, pp. 57-60.)

RECLASSIFICATION OF CIVIL-SERVICE EMPLOYEES.

[Report of committee on economy and efficiency, composed of the Chief, Quartermaster Corps, the Judge Advocate General, and the assistant and chief clerk, War Department.]

There can be no question but that there is grave need for legislation to provide for a reclassification of salaries and places, and the need for such legislation should be brought to the attention of Congress. The Gillett bill now before the House (H. R. 3332, 63d Cong., 1st sess.), provides, as stated above, for the reclassification of grades and salaries in accordance with the plan of the Keep commission, involving a moderate increase in salaries (averaging about 8.5 per cent), with a larger number of grades and salaries so as to give more frequent promotion and thus prevent stagnation in the service. The provisions of this bill appear to be well adapted to improve the efficiency of the service. On the basis of the same number of clerks, etc., the plan would call for an increase of expenditure of about 8.5 per cent; but it would seem that the increased efficiency of the service which would result from the reclassification should admit of some reduction in the number of employees, with a resulting saving to the Government. The amount of such saving can not be definitely determined, as it would depend largely upon the improvement of the business methods of the departments by the elimination of unnecessary work in each bureau, the elimination as far as practicable of duplication of work by different bureaus, and better administration to get the maximum results from the labor of the employees. Any further saving would have to result from the increase of the hours of labor, and it is very questionable whether this would be desirable. It is believed, however, that if Congress would give the department a lump-sum appropriation not exceeding the aggregate now expended, accompanied with authority to reclassify the service in accordance with the plan provided for in the pending Gillett bill, the reclassification would be effected without any additional cost to the Government. The committee finds, however, that it is unable to report any plan of reclassification which would result in any certain and substantial savings to offset the expenditure required in putting into effect the plan for retirement. As explained in the report on retirement, the initial expense can be largely if not entirely met by a reduction of the number of places; but for some years thereafter additional appropriations would have to be made to provide for the retirement of employees on reaching the age of 70 years before their savings would bear the expense of their own retirement. It is believed, however, that if the department be given a lump appropriation with authority to

reclassify positions and salaries on the lines of the pending Gillett bill, making the necessary reduction in the number of places, both the plan for retirement and the plan for reclassification could be put into operation without any present additional expense to the Government. (Report of 1913, pp. 134-135.)

POSTMASTER GENERAL.

RETIREMENT OF DISABLED OR SUPERANNUATED CLERKS.

[Report of Second Assistant Postmaster General to Postmaster General.]

The requirements of the Railway-Mail Service are exacting and the performance of duty is attended by danger and hardship. From the nature of the work performed it is necessary that the force be active and energetic, and it must be replenished constantly with an element of that character in order to maintain a high degree of efficiency. When the work of a railway postal clerk deteriorates it is necessary to change his assignment to lighter duties. It would be well to provide for their assignments to postmasterships in second, third, and fourth class post offices if these positions are placed under the civil service. Provision should also be made for their retirement from the Railway-Mail Service when disabled or superannuated upon some system of limited payment provided for by a contributory plan or otherwise. (Report of 1913, p. 187.)

RURAL CARRIERS.

[Report of Fourth Assistant Postmaster General to Postmaster General.]

During the year carriers to the number of 1,625 resigned; 211 died; and 180 were removed, a total of 2,016. The separations for the previous fiscal year numbered 2,578.

By reason of the adoption of a higher grade of examination, and because of the fact that the increased compensation allowed for serving rural routes has attracted a better qualified class of applicants, the personnel of the rural service has undergone a steady improvement, which is very gratifying, especially in view of the fact that the duties of a rural carrier, with the extension of postal facilities, are becoming much more responsible.

Within the past year, as the result of the amendment of the civil service rules to permit such action, applications of many rural carriers for transfer to other branches of the postal service were granted. (Report of 1913, p. 354.)

SECRETARY OF THE NAVY.

COMPETITIVE APPOINTMENT.

No appointments are made in the civil departments of the Government without competitive examinations. The question presses whether appointments of future naval officers would not be improved by the competitive method. (Report of 1913, p. 23.)

MERIT THE ONLY TEST.

Merit, ascertained by methods that put every applicant upon an equal footing, is the only rule for entrance into naval service. During the present year, in recommending 19 second lieutenants for appointment in the Marine Corps, the Secretary discarded the arbitrary marks of "adaptability." The relegation to the rear of this ancient protection to possible favoritism was approved by the confirmation of the candidates nominated by the President. I venture the hope that it will never again stand in the way of the recognition of ascertained fitness—fitness demonstrated in honest competition. (Report of 1913, p. 24.)

SECRETARY OF AGRICULTURE.

PERSONNEL.

The securing of men of the requisite training and experience in the various fields of agricultural science has been one of the serious problems which for some time has confronted the department. Two causes have tended to bring about this situation. One has been the low maximum salary which the department is permitted to pay to its scientific investigators as compared with the salaries paid by outside institutions and commercial concerns. The other has been the comparatively small number of strong, virile men who have been trained in scientific agriculture. Because of the

great demand for such men in this country and abroad, the department is constantly losing men whom it ought to keep, and it is unable to find an adequate supply of just the right type of man to replace them. With the growing demands for men trained in the newer fields of rural economics, rural sanitation, marketing, cooperation and similar subjects, the situation is becoming acute. (Report of 1913, p. 12.)

CHANGES IN PERSONNEL.

There were 14,478 employees in the department on July 1, 1913. Of these, 2,924 were employed in Washington and 11,554 outside of Washington. Of the entire force, 1,812 were engaged in scientific investigations and research, 1,323 in demonstration and extension work, 687 in administrative and supervisory work, 6,021 in regulatory and related work, and 4,635 were clerks and employees below the grade of clerk. One thousand one hundred and thirty-four probational appointments in the classified service (positions subject to examination), 153 reinstatements, and 83 transfers from other departments were made during the past year. There were 2,699 promotions and 113 reductions in salaries. The resignations totaled 885; 227 appointments were terminated; 38 persons were removed from the service on account of misconduct; and there were 52 deaths. In the positions excepted from examination, chiefly agents and experts, there were 2,919 appointments made for temporary periods, 145 promotions in salary, and 115 reductions. Four hundred and twenty-four of these employees were separated from the service through removal, resignation, or death, and 1,925 appointments terminated. (Report of 1913, p. 13.)

EFFICIENCY RATINGS.

The need in the department of a uniform system of efficiency ratings and registers for clerical and subclerical employees on the statutory roll on which to base promotions has been felt for a long time. After conference with the civil-service officials, such a system was inaugurated early in the summer. It is believed that this system will eliminate to a large extent the danger of making favoritism or any other consideration rather than merit the reason for promotion.

The department is working in the closest possible relationship with the Civil Service Commission in the handling of its appointments. Because of the technical and scientific nature of much of the work of the department it has been found difficult to secure the right kind of men from the regular registers of the commission. It has therefore been necessary to hold special examinations from time to time. (Report of 1913, pp. 13-14.)

SECRETARY OF COMMERCE.

PROMOTIONS.

It is the policy of the department to fill vacancies by the promotion of employees from the classes below. The lowest class, if not filled by transfer or reinstatement, is filled by selection from the civil-service registers. It is desirable that this policy be continued, for the reason that it will inspire the working force with the sense that their interests are considered and assure them that by faithful service they will be given fair consideration in connection with such opportunities for advancement as may occur.

During the year the department's chief clerk and superintendent resigned, and, in keeping with the policy outlined, the vacancy was filled by the promotion of one of the division chiefs in the Office of the Secretary, and the resulting vacancies down to the lowest class were similarly filled. A deputy chief of a bureau was appointed as head of the bureau to fill a vacancy, and a local inspector of boilers was appointed as supervising inspector of a district in the Steamboat Inspection Service, both of the vacancies being in presidential grades. (Report of 1913, p. 44.)

SUPERANNUATION AND RETIREMENT.

The problem of utilizing the services of aged employees to the best advantage is constantly becoming more difficult of solution. The growing volume of work, the demand for increased efficiency, and the introduction of new methods and ideas require the services of men and women whose minds are active and capable of development. It seems inconsistent that the Government should expend large sums of money in attempting to procure properly equipped eligibles to enter its employ and at the same time retain on its rolls those who have long passed their usefulness. The heads of bureaus are reluctant to discontinue the services of superannuated clerks, for to do so would in most cases deprive the latter of their only source of income. Demotion is but a pallia-

tion and does not fully meet the difficulties of the case. It would therefore seem to be only just to provide in some manner for the retirement of such employees on annuities at least partly commensurate with the rates of pay which they have been receiving. In some cases the reduction of force possible through the greater efficiency of younger men and women would go far to meet the cost of these annuities. (Report of 1913, p. 46.)

OFFICIAL REGISTER.

The Director of the Census has called attention to the fact, already pointed out by his predecessor, that the Official Register in its present form (even with the names of postal employees omitted) is unnecessarily expensive and cumbersome. He believes that the following plan, which modifies slightly the one proposed by his predecessor, will, if adopted, result in very material saving to the Government and will at the same time preserve all the valuable features of the present Official Register:

(1) The establishment of a card directory, prepared and maintained by the Civil Service Commission from information furnished by the executive departments and independent offices, showing the name and status of every person in the Government service except the officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service. Lists of officers of the Army, Navy, and Marine Corps are already published annually in the Army Register and Navy Register, issued by the War and Navy Departments, respectively.

(2) The elimination from the Official Register of detailed lists of all employees, by name.

(3) The publication annually by the Bureau of the Census of an official register containing—

(a) A list of all employees of the Government (except officers and enlisted men in the Army, Navy, Marine Corps, and Revenue-Cutter Service) whose duties are of an executive, supervisory, technical, or professional character, and whose compensation is \$2,000 or more per annum.

(b) Statistics relating to the Government service, to be prepared from the Civil Service Commission's card directory.

A bill substantially embodying this plan (except that \$1,500 was fixed as the lowest compensation of employees whose names should be included in the Official Register) was introduced in the House of Representatives on August 8, 1913, by Hon. W. C. Houston, of Tennessee. (Report of 1913, pp. 87-88.)

SECRETARY OF LABOR.

PROMOTIONS.

In recognition of the fact that no institution or organization can rise above the spirit of its working force, the department has been governed by the merit rule in making appointments and promotions. It looks first of all to general fitness and special efficiency. But doubts of the advisability of its undertaking any further work in the way of keeping efficiency records, even if that were possible with its limited clerical force, have been raised in the department by recent acts of Congress contemplating a transfer of that kind of work from the departments to the Civil Service Commission. Resort is consequently had in this department, when the relative merits of employees are under consideration with reference to promotion, to the ratings compiled by the former department of Commerce and Labor in 1911. This method is not ideal. Since that time many employees have entered the service of the department; as to others, their usefulness must have improved or declined. The department trusts that in the near future it will either be equipped for compiling a new record of efficiency ratings or be systematically supplied with data by officials whose special duty it may be made to keep the necessary records. Such ratings, though not conclusive, are of great help in determining preferences for meritorious service. (Report of 1913, pp. 57-58).

SUPERANNUATION AND RETIREMENT.

That no plan has been devised for retiring superannuated employees—public servants who have given the best years of their life to Government work—is to be regretted. It is conceded freely that due regard for economy and efficiency demands their displacement by younger and more active employees. Yet it is evident that responsible officials should not be embarrassed regarding old employees whose efficiency has declined, by the alternative of retaining them in the service or of ruthlessly dismissing or demoting them. (Report of 1913, p. 58.)

INVESTIGATIONS OF ALLEGED VIOLATIONS OF THE CIVIL-SERVICE LAW AND RULES.

POLITICAL ASSESSMENTS, ACTIVITY, AND DISCRIMINATION.

Many inquiries were made of the commission during the year as to the permissibility of competitive employees becoming active in the work of various organizations in Washington and elsewhere favoring or opposing the woman-suffrage movement. The rulings of the commission are summarized in the following extract from a minute adopted April 7, 1914:

Under section 1 of Rule I as explained and defined in the commission's political-activity circular, a person in the competitive classified service may join and be a member of a political association or organization and may be an adherent in his individual capacity of a political cause. The restrictions are that he must take no active part in the organization, management, or affairs of such political association, or in the advancement of such political cause; that he must not express publicly his opinions on any political subject, and that his actions or utterances in respect to such political association or political cause shall not be such as to constitute a practice of proselyting or enlisting converts to such political association or political cause, nor such as to constitute a display or demonstration of partisanship on any pending political issue which might cause public scandal or might offend persons who have relations with him in his official capacity.

In consonance with previous rulings as to participation in a similar parade and in the presentation of a petition to Congress relating to woman suffrage, the commission holds that the mere individual participation of a competitive employee in a suffrage parade would not of itself ordinarily constitute a violation of the rule, provided such participation does not become a practice on the part of any such employee. Activity in organizing such a parade or demonstration is not permissible, in analogy with the prohibition of activity in preparing for, organizing, or conducting a political meeting or rally.

In reaching the conclusion that the restrictions do not extend to mere individual participation or marching in such a parade, the commission is guided by the fact that under the regulations competitive employees are permitted to be mere members of political clubs or associations, to be present at political caucuses and mass conventions or primary meetings as mere voters, and to sign political petitions of various sorts but not to prepare or circulate them.

The commission holds that those favoring or opposing the cause of woman suffrage are subject to the same rules and restrictions regarding political activity as are applicable to the adherents or opponents of other political causes.

BRIEF OF INVESTIGATIONS.

ALABAMA.

Hartford, case of Jesse M. Riley, rural carrier.

Charge: Writing and publishing a letter calculated to injure a candidate in a political campaign.

Date of charge: September 24, 1913.

Result: A joint investigation was made by representatives of the Post Office Department and the commission, and it was found that, following a charge by the candidate in question that a conspiracy had been formed to make political use of a carriers' association of which Mr. Riley was president, this carrier had written a letter to this candidate containing criticisms of the latter which were outside the scope of the controversy between them and had given a copy of the letter to the press. The investigators recommended that he be reprimanded and suspended 15 days without pay, in which recommendation the commission concurred. The department closed the case with a reprimand and warning.

ARKANSAS.

Marianna, case of Jacob Shaul, postmaster (second class), and John R. Gay, rural carrier.

Charge: Pernicious political activity.

Date of charge: June 13, 1912.

Result: The Post Office Department forwarded to the commission correspondence concerning the political activity of the carrier, with request for recommendation as to the punishment to be imposed. It being alleged in the correspond-

ence that the carrier had been coerced into his activities by the postmaster, an investigation was ordered by the commission. It was found that the carrier, with full knowledge of the prohibition of the rules as to political activity, had served as member of the credentials committee of a political county convention; that he nominated the postmaster for temporary chairman of that convention; and that he himself was nominated for permanent chairman of the county convention and acted in that capacity. He was also nominated for delegate to a congressional district convention, but declined to serve on account of his civil-service status. It appeared that all of the carrier's political activities were by direction of the postmaster. The commission requested the removal of both, but the department permitted the postmaster to serve until the expiration of his term. The carrier was removed.

Texarkana, cases of Anthony L. Ghio and William Watts, post-office clerks.

Charge: Undue activity in the prosecution of their candidacy for appointment as postmaster.

Date of charge: April 28, 1913.

Result: Upon investigation by a representative of the commission it was found that an unofficial primary was held on the Texas side of the Arkansas-Texas State line for the purpose of determining the popular choice for postmaster, and at a meeting at which it was decided to hold this primary the employees named were present, announced their candidacy, and took part in the deliberations. Subsequently all the candidates met with the city executive committee and perfected arrangements for the primary, contributing their share of the expense thereof. The employees thereafter solicited votes in this primary from various employees of commercial houses, as a rule, however, merely mentioning the fact that they were candidates and handing out cards. The candidacy of both was advertised in a daily newspaper. It was charged that they importuned employees of the post office over whom they expected to exercise authority if successful, to vote for and support them, but this charge was not proved. It was found, however, that Mr. Watts had mentioned his candidacy to those of the carriers who were voters in Texas, though not insisting that they were under any obligations to vote for him. It was further found that both employees solicited the support of two of the rural carriers and asked them to use their influence with the patrons of their routes. Their action in publicly soliciting votes and in endeavoring to have carriers solicit support from patrons of their routes exceeded the limitations applicable to employees who are candidates for such positions, of which limitations both employees were aware. The commission requested that they be reprimanded and warned, which was done.

FLORIDA.

Detroit, case of M. L. Williams, fourth-class postmaster.

Charge: Candidacy for elective office and service as election officer.

Date of charge: February 2, 1914.

Result: Mr. Williams was advised that it had been reported to the commission that he was a candidate in primary and regular elections for the office of justice of the peace, and that he had served as a deputy registration officer; that his service as justice of the peace was contrary to provisions of the constitution of Florida, which debarred persons holding office under the United States from State positions; and that his service as deputy registration officer was also in violation of the constitutional provisions mentioned and of the postal laws and regulations and the civil-service rules. He promptly resigned the local offices held, in view of which the commission took no further action in the case.

GEORGIA.

Atlanta, case of U. S. Seal, assistant custodian.

Charge: Rendition of political service in connection with a political convention.

Date of charge: February 20, 1912.

Result: It was found upon investigation that Mr. Seal prepared the hall selected for the convention, seeing to its heating and lighting, and that he attended the convention, and while there performed services in connection with the business of the convention for his superior officer, the custodian and collector of internal revenue. At the request of the commission, the department directed that he be reprimanded and warned against future violation of the rule.

Savannah, cases of John C. Simmons, William K. Callen, and Thomas Walker, employees in the custodian service.

Charge: Activity in a political convention.

Date of charge: February 10, 1912.

Result: It was found upon investigation that Simmons, a fireman-laborer, served about 8 years as county chairman of a political party, presided at a county convention held in Savannah February 6, 1912, and as temporary chairman at a district convention held a few days later, and that, notwithstanding a warning received on the day of that convention that his political activity was in violation of section 1 of Rule I, he attended on the following day a meeting of the State central committee of his party, of which committee he had been a member for about 10 years. It was further found that Callen attended the county convention mentioned as a delegate and was also elected temporary secretary thereof (though he performed no service as secretary, owing to the summary adjournment of the convention because of a factional fight; and that Walker, while not formally elected a delegate, was informed by others that he might be called upon to act as such if the necessity occurred, and went to the convention prepared to act, leaving when trouble commenced. The commission requested that Simmons be removed from the service; that Callen, a fireman-laborer, be suspended two months without pay; and that Walker, an unclassified laborer, be reprimanded and warned. Action was taken as requested except in the case of Callen, who was reprimanded and warned. The department reported that the political work done by them was in the interest and probably by direction and under the supervision of their then superior officer.

ILLINOIS.

Canton, case of Leslie C. Richards, railway mail clerk.

Charge: Preferring false charges of political nature against fellow employees.

Date of charge: October 14, 1913.

Result: Charges were preferred by Mr. Richards under an assumed name, to the effect that certain fellow employees in the Railway Mail Service had solicited political contributions, in violation of statute. Upon investigation by a representative of the commission these charges were found to be false, and Mr. Richards was discovered to be their author. The department removed him at the request of the commission, which also debarred him from examinations.

Dix, case of Jeff Carpenter, rural carrier.

Charge: Political activity.

Date of charge: August 22, 1913.

Result: Upon joint investigation by representatives of the department and the commission it was found that the carrier took an unduly active part in a township caucus, making nominations and an address therein; that until a short time prior to the investigation he was a county committeeman; that he had electioneered and been active at the polls on election day, and that he had been regarded as a political leader. The department removed him at the request of the commission.

Goldengate, case of Chester A. Knodell, fourth-class postmaster.

Charge: Permitting a political convention in the post office.

Date of charge: November 4, 1913.

Result: The department requested the postmaster's resignation for the above cause, whereupon the postmaster protested to the commission, alleging that the convention in question was held before he took formal charge of the post office. Upon inquiry it was found that, whatever may have been the fact as to the date upon which he formally took over the office of postmaster, he was the person in actual and responsible charge of the office at the time the convention was held. He was therefore informed that the commission found nothing in the case to warrant it in taking any action.

Shumway, case of Clarence F. Bock, rural carrier.

Charge: Use of objectionable language in criticism of voters affiliated with a political party and of a candidate of that party.

Date of charge: October 14, 1913.

Result: A joint investigation was made by representatives of the department and the commission, and it was found that this carrier had been drinking on election day and that on election night, while in company with others in a

jovial mood, had made various denunciatory remarks with reference to one of the political parties and its candidates. There was some difference of opinion as to the nature of these remarks, but it appeared that few people took them seriously. The investigators recommended that he be reprimanded, in which recommendation the commission concurred. The department decided that more severe disciplinary measures were necessary, and ordered his suspension for 15 days without pay.

Toledo, cases of Wilder E. Green, rural carrier, and Christopher C. Hamil, substitute rural carrier.

Charge: Electioneering and activity at the polls.

Date of charge: November 12, 1913.

Result: A joint investigation was made by representatives of the department and the commission, and it was found that these employees had visited a neighboring town during the campaign of 1912, taking intoxicating liquors with them, and had engaged in political work for a candidate for elective office. The investigators recommended that they be removed for this cause, and for the further reason that both employees were addicted to the excessive use of intoxicating liquors, in which recommendation the commission concurred, and action was taken accordingly.

Vergennes, cases of W. F. Young, fourth-class postmaster, and Harlen Parrish, rural carrier.

Charge: Violation of the statutes relating to political contributions.

Date of charge: July 11, 1913.

Result: Upon investigation by a post-office inspector it was found that the postmaster had received political contributions from Mr. Parrish and a former carrier amounting to \$5. He explained in this connection that he had received notice from a political committee that \$15 had been apportioned to the Vergennes post office as its share of the campaign expenses; that he exhibited this notice to the two carriers and asked if they desired to contribute, but did not solicit or make any demand. As to the carrier, it was found that in addition to making the political contribution to the postmaster above mentioned he had rendered unsatisfactory service and had made false charges against the postmaster. Both the postmaster and the carrier were removed, the former for receiving a political contribution, in violation of section 119 of the Criminal Code, and the latter for making such a contribution to a Federal officer or employee, in violation of section 121 of the Criminal Code, and for the other causes stated. More than three years having elapsed since the commission of the criminal offenses named, they could not be prosecuted.

INDIANA.

Little York, case of George O. Gamble, rural carrier.

Charge: Public expression of political opinions.

Date of charge: July 30, 1913.

Result: The above and other charges were investigated by a post-office inspector, whose report was forwarded by the department to the commission with request for recommendation as to the action to be taken with respect to the carrier's political activity. It was found by the inspector that on numerous occasions the carrier had engaged in political discussions in the post office and had loitered on his route to engage in such discussions, on one occasion engaging in a heated political argument heard by a number of people. The inspector recommended removal on this ground, and for the further causes of disrespectful attitude toward a patron, failure to present a neat appearance, conspiring to conceal the truth, and making false statements. The commission expressed the opinion that the political activity alone did not warrant removal, and stated that if the department, after consideration of the other charges, should decide to retain him in the service it was believed he should be reprimanded and warned for his political activity. The department, in view of all the delinquencies above stated, ordered his removal.

Scottsburg, case of Jay H. Fleenor, rural carrier.

Charge: Loitering on route to engage in political discussion.

Date of charge: October 11, 1913.

Result: This charge was investigated by a post-office inspector, whose report the department forwarded to the commission with request that a recommendation as to the action to be taken be submitted. It appeared that several days after

the November, 1912, election, the carrier offered to make a wager with a patron as to the number of States carried by one of the candidates for president and loitered on his route and discussed political matters for 5 or 10 minutes on this occasion. The commission expressed the opinion that he should be cautioned against undue political activity, which action was taken by the department.

Terre Haute, case of Elam H. Neal, collector of internal revenue.

Charge: Political discrimination in assignments of subordinates.

Date of charge: August 1, 1913.

Result: An investigation was made by a representative of the commission based upon the complaint of A. F. Geisert, a storekeeper-gauger at Lawrenceburg, Ind., that because of his political affiliations the collector of internal revenue had relieved him from duty and that the collector had been guilty of political discrimination in other cases. The results of previous investigations involving the official acts of Mr. Neal are stated in the commission's Twenty-sixth Report, at page 150, and in its Twenty-ninth Report, at page 156. As a result of the investigation based upon Mr. Geisert's recent charges the commission wrote the Secretary of the Treasury on February 7, 1914, as follows:

"This commission has the honor to transmit a report of the secretary of the sixth civil service district, dated November 29, 1913, of an investigation conducted by him at the commission's direction into a complaint of A. F. Geisert, a storekeeper-gauger at Lawrenceburg, Ind., of alleged political discrimination by Elam H. Neal, collector of internal revenue for the sixth internal-revenue district of Indiana.

"Mr. Geisert was a witness in an investigation conducted by the commission as a result of which the commission on April 28, 1909, recommended that Mr. Neal be suspended six months without pay for gross violation of the civil-service law in discriminating against subordinates because of failure to make political contributions. At the time of this investigation Mr. Geisert had no grievance against the collector, having contributed \$140 in one year to the campaign fund in which Collector Neal was interested and having received satisfactory assignments. In September, 1910, he publicly and severely criticized the collector's administration of his office, charging him among other things with discrimination in assignments of storekeeper-gaugers for political reasons. The collector thereupon suspended him and told him he would not be returned to duty. Mr. Geisert then filed charges against the collector with the department, and as a result of the investigation made his transfer to the fifth internal-revenue district of Illinois was ordered on March 31, 1911. The collector of this district failed to assign him to duty, and on February 20, 1912, he was ordered transferred to his former district and collector Neal was instructed to assign him to duty as soon as such action could be taken without doing injury to other officers of his district. During this period action on the commission's recommendation that the collector be suspended had been withheld. It was at first decided to comply with the commission's request, but the case was finally dismissed with a letter from the Secretary of the Treasury to Mr. Neal, dated January 2, 1912, calling his attention to the history of the case, to the leniency shown him, and to the fact that the collector's office as then administered with his full attention to the same was a condition that must continue or his removal would follow. The collector refused to assign Mr. Geisert to duty, on the ground that subsequent to the authorization of his transfer he had indulged in further criticism, making remarks concerning the result of the investigation of his charges which in the opinion of the collector were uncalled for, out of place, and disrespectful. Mr. Geisert states that he was finally assigned to duty, in November, 1912, at the direction of President Taft. This assignment was continued until March, 1913, when the assignment was changed from day to night duty, and on October 1, 1913, after the commission's district secretary had commenced investigating the charges, Mr. Geisert's assignment was revoked.

"In view of the circumstances resulting in the department's letter to the collector of January 2, 1912, and of the instructions later given him by the President and the department, it was all the more incumbent upon the collector to observe scrupulously the spirit of the law and rules. The present investigation shows that he has laid himself open to censure for discrimination, persecution, and nepotism, but this seems to be on personal rather than political grounds. The evidence of political bias being insufficient, the matter seem

to be solely one of departmental discipline, and these papers are forwarded for such action as the department may deem appropriate."

Prior to the receipt of this letter the nomination of Mr. Neal's successor had been confirmed by the Senate.

Williamsport, case of Chauncey W. Musselman, rural carrier.

Charge: Loitering on route to engage in political argument.

Date of charge: January 19, 1914.

Result: A joint investigation was made by representatives of the department and the commission. It was found that while on duty the carrier had expressed his opinions on political matters to a patron of the route. He was reprimanded and at the request of the commission was admonished that he must not again stop while serving the route to converse with any person on political subjects.

IOWA.

Des Moines, case of Gustav H. Brooks, plumber, Quartermaster Corps.

Charge: Service as officer of a political organization.

Date of charge: February 6, 1914.

Result: Upon investigation it was found that Mr. Brooks was chairman or president of an organization known as the "Labor League," composed of delegates from the various labor unions of the county. This league has a so-called "sifting committee" whose duty it is to "prepare a list of candidates in their several fields and make recommendations to this body concerning same after carefully endeavoring to find just how each candidate stands on public questions, on the labor question, and his standing in the community in general," and to "use such data as it possesses regarding the several candidates and seek any other data which it may reasonably obtain bearing on the issue under consideration, compile and discuss the probability of success of the several candidates, and make its recommendation to this body." The league also has a campaign committee, the duties of which are to select subcommittees of 10 from each union to act as a working or precinct committee, and to "have charge of the preparation of all precinct lists and the precinct work of each campaign." One of the rules of the league also provides that "When in the judgment of this body there are too many candidates from the ranks of organized labor for any particular office, this body will proceed to eliminate those who in its judgment stand the least show of election." The following is an extract from the commission's letter of April 25, 1914, to the Secretary of War regarding the case:

"It is clear from the purpose of the league as stated in section 1 of article 2 of its rules that its particular object is 'to elect to political offices members of labor unions' with the general object of bettering the condition of organized labor. It is not a question of what the ultimate object of the league may be, but what its form and acts are. In form it is a political association, and its activities have to do wholly with political matters and principally with questions of whether or not it shall indorse candidates for political or elective public offices, and recommend them to the voters in labor unions whose delegates form the league. It is something more than a mere political club or an ordinary labor union, and is a purely political organization, designed to represent or act as the mouthpiece of the local labor organizations in political affairs and to further the interests of organized labor by political means. Being a delegated body it is one of which a competitive employee may not be a member, and there is still more impropriety in serving as an officer of it.

"Some reference is made in the report to the so-called nonpartisan form of municipal government of Des Moines, which city is the principal scene of the league's operations. Activity in any political campaign or in political management, whether it be nonpartisan or partisan, is prohibited by the rule. The rule is aimed at political activity of all kinds and not merely at partisan activity in behalf of or against one of the great national political parties.

"The commission requests that Mr. Brooks be reprimanded for his violation of section 1 of Rule I, warned against future violation thereof, and required to sever at once all connection with the league in question."

Action was taken as requested by the commission.

KENTUCKY.

Glendale, case of H. M. Hatfield, fourth-class postmaster.

Charge: Service as member of a political committee.

Date of charge: November 23, 1912.

Result: Upon investigation it was found that prior to the classification of his position Mr. Hatfield was a member of the county committee of a political party and tendered his resignation as such in September, 1912. It was stated by the chairman of the committee that this resignation was accepted. However, the committee was reorganized in June, 1913, and there being no record of Mr. Hatfield's resignation and such resignation not being known to the other members of the committee, he was elected chairman thereof. He advised the secretary that he could not accept the position, but notwithstanding such refusal he acted in the capacity of chairman a short time thereafter in affixing his signature as such chairman to a list of proposed members of a county board of election commissioners, which by the State election law was required to be submitted by the county committee of each political party.

In the election of November, 1912, Mr. Hatfield acted in representation of his party in the counting of the ballots.

At the request of the commission the department reprimanded him and informed him that further cause for complaint would result in the appointment of a successor.

LOUISIANA.

New Orleans, case of Anthony Bonaud, formerly inspector, customs service.

Charge: Removal for political reasons.

Date of charge: April 29, 1913.

Result: Upon investigation by representatives of the commission and the Treasury Department, it was found that on July 31, 1904, Mr. Bonaud with three other inspectors was separated from the service on account of reduction in force. It was alleged that political discrimination was exercised in selecting the employees to be separated and, though the evidence obtained was not conclusive, the investigators recommended favorable consideration of Mr. Bonaud's request for reinstatement. Mr. Bonaud had passed a civil-service examination for watchman, but his name did not appear sufficiently high on the register to be certified. In view of the evidence of political discrimination obtained, the commission advised the Treasury Department that it would offer no objection to the issuance of an Executive order to permit Mr. Bonaud's reinstatement, should the department wish to request the President to issue such an order. An order authorizing the reinstatement of Mr. Bonaud was approved by the President June 3, 1914.

MARYLAND.

Cambridge, case of H. M. St. Clair, substitute carrier.

Charge: Buying votes and offering money to voters.

Date of charge: November 9, 1913.

Result: Upon investigation it was found that this employee made a political speech at a meeting held in the fall of 1911 to select members of the county committee of his party; that he was a candidate for delegate to the State convention of his party in a primary held in the spring of 1912; that at this convention he was elected an alternate delegate to the national convention of his party; that he presided at one political meeting and made a political speech at another meeting held about two weeks prior to the election of November, 1912; and it was testified by a number of witnesses that he had engaged in activity at the polls and violated the State corrupt-practices act. In addition to his violations of the rule prohibiting political activity, he refused to give testimony as required by civil service Rule XIV, though his attention was called to the provisions of this rule. He was removed from the service at the request of the commission.

Fairmount Heights, case of B. H. Harris, unclassified laborer, Post Office Department.

Charge: Service as officer of a political club and other activity in politics.

Date of charge: May 5, 1913.

Result: Upon investigation it was found that a political club was formed in 1910 of which the accused employee was elected president, and that while the club had been inactive since its organization he had made arrangements for political

meetings, issued notices of one such meeting and signed his name thereto as president of the club, put up poster notices of a political meeting sent to him for that purpose by the chairman of the executive State central committee of a political party, and had called political meetings to order and introduced the speakers. The commission requested that he be suspended 30 days without pay, but the department decided that a severe reprimand, which was given him, would be sufficient punishment, stating that one of the purposes of the political organization of which he was president was to secure village improvements, that the organization itself did not survive more than two months and its work was very limited, and that he was ignorant of the application of the rule to him.

Glen Echo, case of William H. Roach, clerk, War Department.

Charge: Engaging in county and State politics.

Date of charge: January 19, 1914.

Result: Under an Executive order of February 24, 1912, employees residing in certain municipalities adjacent to the District of Columbia (among which municipalities is that of Glen Echo) may engage in local municipal politics. Upon investigation by a representative of the commission of the charge that, in addition to participating in municipal affairs, Mr. Roach had engaged in other political activity, it was found that in the national election of 1912 Mr. Roach performed the duties of checker at the polls for short periods during which the regular checker was absent from his post. The commission requested the department to admonish Mr. Roach that his service as checker was in violation of the rule and to warn him that he should refrain from such activity in the future. This action was taken by the department.

MISSOURI.

Brownington, case of John T. Morgan, fourth-class postmaster.

Charge: Service as member and officer of political committees and candidacy for elective offices.

Date of charge: June 13, 1913.

Result: It was found that prior to the classification of his position, Mr. Morgan was elected secretary of the county committee of a political party and allowed his name to be used as such. When his position was classified he made no effort to sever his connection with the committee until March 15, 1913. It was found that the postmaster had also been active at the polls and had served in the capacity of watcher or challenger of his party and had on the evening of the election read the election returns to a large crowd assembled to hear them, making many public comments thereon. The charge of candidacy for elective offices in violation of the rule was not sustained. On the request of the commission the department severely reprimanded Mr. Morgan for his conduct and informed him that if there was further violation of the rule action would be taken looking toward the appointment of his successor.

Kansas City, case of William H. Vance, post-office clerk.

Charge: Service as officer of a political organization and other political activity.

Date of charge: April 5, 1914.

Result: Newspaper clippings and other matter had been received by the commission indicating that Mr. Vance had made numerous political speeches and that he was the field organizer of an association known as the "Missouri Anti Single Tax League." A joint investigation was made by representatives of the commission and the Post Office Department. It was found that Mr. Vance had made numerous speeches throughout the State concerning the single-tax issue, and the commission requested that he be removed. The department replied that after careful consideration it had been decided to retain Mr. Vance, but that he had been reprimanded for his political activity and warned that a repetition of the offense would result in immediate removal. The commission requested the department to reconsider the case and reiterated its request for removal. A reinvestigation was ordered by the department, in which a representative of the commission joined. The reinvestigation developed no new evidence of importance as to the political activity of Mr. Vance and was mainly devoted to an inquiry into his physical condition. The investigators found that Mr. Vance had violated civil service Rule I in connection with his activity in the single-tax campaign in Missouri in 1912; that his physical condition had been and was at the time of the investigation such as to unfit him for the service and that he had violated civil service Rule XIV in refusing to furnish

information and give testimony in the investigation. The commission advised the department that it fully concurred in the findings and recommendations of the investigators and requested that Mr. Vance be removed. The case was closed by the acceptance of his resignation by the department and his debarment from future examinations by the commission.

Macon, case of Bryan Hurst, substitute carrier, post office.

Charge: Candidacy for the office of city treasurer.

Date of charge: April 9, 1914.

Result: Mr. Hurst became a candidate for the municipal office of city treasurer upon an independent ticket and was elected, stating in explanation of his action that he was not aware that the political activity rule applied to substitute carriers as well as to regular carriers. The case was closed by the acceptance of his resignation as a substitute carrier.

NEW JERSEY.

East Orange, cases of William Lindeman, Thomas F. Flanagan, and Bernard J. Maguire, post-office employees.

Charge: Circulation of petitions in connection with the appointment of a postmaster.

Date of charge: January 13, 1913.

Result: Upon investigation it was admitted by these employees that they had circulated petitions favoring the appointment as postmaster of the then acting postmaster, but they alleged that it was done at his request and there was some indication that they feared a refusal of his request might result unfavorably to them. The commission requested the department to admonish them that their action was in violation of section 1 of Rule I, and to warn them against future violation of the rules. The department ordered a further investigation by a post-office inspector in connection with certain other matters and as a result Mr. Lindeman was reduced from superintendent of mails at \$1,300 to clerk at \$1,200 and the other employees were reprimanded and warned.

Leesburg, case of Joseph W. Sutton, fourth-class postmaster.

Charge: Candidacy for nomination for freeholder.

Date of charge: September 17, 1913.

Result: Prior to the classification of his position this postmaster had held the office of freeholder, and he continued to hold the position and was a candidate for reelection after such classification, but was defeated. He was at that time reprimanded and warned by the department. (See Twenty-seventh Report of Commission, p. 121.) He again became a candidate for nomination for this office in 1913 and his removal was ordered by the Post Office Department.

Newark, case of John F. Shaffrey, post-office clerk.

Charge: Writing and publishing a letter of a political nature.

Date of charge: November 2, 1913.

Result: Upon investigation by a representative of the commission it was found that Mr. Shaffrey prepared and forwarded to three Newark newspapers for publication a circular or letter attacking a statement in a circular issued by the New Jersey Civil Service Association concerning the civil-service attitude of a candidate for governor. The statement made by Mr. Shaffrey was signed by him as president of the New Jersey State association of post-office clerks, but was issued on his own initiative, and closed with an appeal to members of the New Jersey Civil Service Association to vote for the candidate in question. At the request of the commission he was reprimanded for his violation of the rule and was informed that any future violation of this kind would meet with more drastic measures.

Thorofare, case of Charles W. Wilkins, fourth-class postmaster.

Charge: Candidacy for nomination for the county office of surrogate.

Date of charge: June 18, 1913.

Result: It was found that Mr. Wilkins had announced his candidacy in the press and privately. He stated he was aware of the rule prohibiting political activity, but thought it would not apply until he filed formal announcement of his candidacy with the county clerk, at which time he expected to tender his resignation as postmaster and commence an active campaign for the nomination. He was informed that it would be necessary for him immediately to withdraw as a candidate or to resign as postmaster. He resigned the postmastership.

NEW MEXICO.

Des Moines, case of Allen T. Myers, fourth-class postmaster.

Charge: Political discrimination in appointment.

Date of charge: January 5, 1914.

Result: The facts in the case are shown in the following extract from the report of the representative of the commission who made the investigation:

"The testimony supports the complaint that the appointment of Mr. Myers was the result of his indorsement by the two precinct committeemen of a political party * * *. Mr. Myers states:

"I asked Lanier and Wohrer to indorse me for the position of postmaster, the understanding being that I was to run the Commoner, in which they were interested. I was indebted to them and expected to pay it out of the proceeds of the post office."

"Mr. Wohrer, one of the precinct committeemen, stated that the former chairman of the county committee had 'said that he would leave the recommendation for postmaster to the precinct organization'; that before the result of the examination was known three persons applied to the precinct organization for its indorsement, W. H. Weeks, J. M. Stratton, and Myers; that he suggested to Mr. Lanier, the precinct chairman, that they recommend all who applied in the order of their application; that County Chairman Cranville, having received a telegram from the Representative in Congress asking for a recommendation, 'in turn wired to us to recommend those who had applied in their order'; that Weeks having failed and Stratton being only fourth in the examination, and Byrne and Bradbury, the other eligibles, not having applied for the indorsement of the precinct organization, only Myers was left; and that 'Mr. Lanier, the precinct chairman, and myself, as representing the county executive committee, accordingly wired Mr. Cranville recommending the appointment of Mr. Myers as the only one of those certified for appointment who had asked the support of the organization.'

"Mr. John N. Karn, the former postmaster, states the considerations which impelled him to resign as postmaster. He said that a newspaper had been started with the backing of Messrs. Lanier and Wohrer, and under the management of one Kyle had become in debt; that the backers placed Myers in charge of it, he being a printer who had just come to Des Moines in May, 1913, and figured on securing the compensation attaching to the postmastership to apply on his indebtedness to them for the paper; that in July he (Karn) saw it was useless to stay in as postmaster as Lanier wanted the office for Myers, and he resigned; that he did not fear the examination, having at one time obtained a grade of 95 on the rural carrier examination, and had the backing of the entire community and the support of 90 per cent of the Democratic patrons of the office on his petition, but knew that Lanier and Wohrer wanted Myers appointed for reasons of their own and that their recommendation would control, and therefore felt that it would be useless to compete in the examination. He adds:

"If I had felt that the civil-service law would be strictly applied I would have taken the examination, and under a merit system I would have had no trouble in securing the appointment."

"The examination was held August 24, 1913, and in October the candidates received notice of their grades. Stratton told me just after the examination and before the grades were received that it had been agreed at a meeting in Lanier's office that Myers was to be postmaster and he (Stratton) the assistant postmaster."

"An agreement was made with Myers and Stratton, the fourth eligible, whereby Myers was to receive the appointment and Stratton 75 per cent of the compensation as assistant postmaster, the amount going to Stratton to be applied in part at least to the indebtedness of Myers to Lanier and Wohrer. Mr. Stratton states that on applying to Mr. Lanier for the indorsement of the precinct organization, he was informed that Weeks had been promised the indorsement, but it was expected that he would be unable to pass, and that arrangements had been made for Myers to take the examination, so that in case Weeks failed, Myers would be appointed; that he reproached Lanier for supporting Myers, and that Lanier then "said he would fix it so that while he would have Myers appointed he would draw up an agreement under which Myers would be compelled to employ me to run the office of postmaster, and that he would force Myers to agree to do so," explaining that Myers had not paid anything on account of the newspaper in question or for his board, and 'by making him postmaster, I to receive the compensation, these debts could then be paid.' Stratton states it was understood that he was to handle the finances of the office and also take over the management of the paper, it appearing that Myers was regarded as untrustworthy in money matters, and a

contract was then drawn up and signed by Myers and Stratton, only one copy being made and that being kept by Lanier. Mr. Myers confirms the statement of Stratton as to this agreement, and states, referring to Messrs. Lanier and Wohrer:

"I was indebted to them and expected to pay them out of the proceeds of the post office. The agreement made at that time was that J. M. Stratton should be assistant postmaster and receive 75 per cent of the proceeds, the overhead expenses to be divided between us. This agreement was made in the presence of Lanier and Wohrer and at their suggestion."

"The newspaper in question suspended publication March 31, 1914, and until that date Myers conducted and was financially interested in a partisan newspaper, violating the political-activity rule."

"In the course of the investigation the testimony of witnesses indicated that Mr. Myers had embezzled money-order funds, and I requested the post-office inspector in charge at Denver to send an inspector. The inspector reached Des Moines June 7, and it was found that Myers had embezzled \$355.65, and had issued money orders to himself and the former postmaster without placing the money therefor in the cash drawer, the orders issued to the former postmaster being in payment of a personal indebtedness of Myers to him. All the charges were admitted by Myers."

* * * * *

"In brief, this case shows a corrupt agreement on the part of the members of the precinct committee with Myers under which Myers as their agent and for their gain was to take the examination for postmaster, with the understanding that he would be recommended for appointment; that the emoluments of the post office were to be applied to the reduction of the personal indebtedness of Myers to the committeemen; that Myers was regarded as untrustworthy by the committeemen, and therefore a second man was to be put in as assistant postmaster to receive the moneys of the post office and of the committeemen's paper, the Commoner, conducted in the same room; that Myers was to continue in charge of this partisan newspaper in violation of the rule regarding political activity; that the post office thus became an adjunct of the paper under the control of the members of the precinct committee; that the former postmaster was discouraged from continuing in office, and that no members of any other political party applied for examination; and that the patrons of the post office were dissatisfied and in some instances withdrew their patronage."

The department removed Mr. Myers for shortage in postal and money-order account, issuing money orders without the cash therefor, editing a partisan newspaper while a civil-service appointee, and improperly using political influence to secure appointment. The commission canceled the eligibility of Mr. Stratton because of his participation in the corrupt agreement in connection with the appointment of Mr. Myers.

NEW YORK.

Gowanda, case of Walter W. Welch, postmaster (second class).

Charge: Pernicious political activity.

Date of charge: November 26, 1913.

Result: The Post Office Department referred to the commission for review and such suggestions as it might wish to submit the report of a post-office inspector recommending the removal of Mr. Welch for pernicious political activity. From the report of the post-office inspector it appeared that Mr. Welch had handled political funds and made payments to voters, ostensibly for the time lost by them in going to the polls to vote on election day. The activities of the postmaster were deemed by the commission to be such as to cause public scandal in violation of the restrictions upon the political activity of unclassified officers and the commission accordingly recommended his removal, which action was taken by the department.

Putnam Station, case of John Edgar Graham, rural carrier.

Charge: Candidacy for elective office.

Date of charge: October 25, 1913.

Result: It was found that the carrier was elected to the office of town clerk without soliciting the nomination for the office and that when his attention was called to the fact that his candidacy for and service in such a position was in violation of the rule he resigned the office. The commission requested that he be reprimanded and warned, which action was taken.

Spencer, case of Henry L. Emmons, postmaster (third class).

Charge: Pernicious political activity.

Date of charge: September 23, 1913.

Result: The Post Office Department forwarded to the commission, with request for review and such suggestions as the commission might wish to submit, the report of a post-office inspector in which the removal of the postmaster was recommended on the above charge. A further investigation was ordered by the commission, from the report of whose representative it appeared that in several instances the postmaster endeavored to induce intending candidates for nominations to withdraw and when his efforts were unsuccessful used such influence as he had to insure the success of an opposing candidate. As chairman of the town committee and a member of the county committee of his party he occupied an important if not a dominating position in its councils. He kept sample ballots in the store in which the post office was located, and showed people coming to the store how to vote for the candidates favored by him. It was found that the activities of the postmaster in political matters had been so marked as to cause public scandal in the community, in violation of the restrictions upon the political activity of unclassified officers. The department removed him, as recommended by the commission.

Troy, cases of Alfred C. Schroeder, Thomas J. Brennan, Thomas H. Halligan, and Frank W. Hislop, post office clerks.

Charge: Soliciting political support in their efforts to secure promotion.

Date of charge: May 13, 1913.

Result: Upon investigation by a representative of the commission it was found that the employees named had violated the civil service rules in soliciting support from political leaders in their efforts to secure advancement, but it did not appear that the postmaster had permitted himself to be influenced by such support or by political considerations in making changes in his office force. At the request of the commission the department reprimanded these employees for their violations of the rules and warned them against future violations.

NORTH CAROLINA.

Cary, case of Thaddeus Ivey, rural carrier.

Charge: Making a political speech and other activity.

Date of charge: September 20, 1913.

Result: The following extract from the commission's letter of February 17, 1914, shows its findings and recommendation in this case:

"From the records of the commission it appears that Mr. Ivey was aware of the prohibition upon political activity contained in the rule. In April, 1907, an investigation was made by a member of the commission into complaints of undue political activity on the part of various Federal officeholders and employees in North Carolina. Among other things it was found that Mr. Ivey had served as delegate to a county convention in 1906, and the commission suggested to the department that he be reprimanded for violation of the instructions contained in the President's letter of June 13, 1902, his offense having occurred prior to the promulgation of the present political activity rule. He was reprimanded as suggested. Under date of February 28, 1908, after the promulgation of the rule, Mr. Ivey wrote the President making charges against various competitive employees of violation of the rule prohibiting political activity. Under date of June 29, 1908, in response to an inquiry from him, he was advised that he might become a member of a political club, but might not take an active or working part therein, might not assist in its organization, and might not address it.

* * * * *

"* * * this employee has in the past figured as a violator of the restrictions on political activity, a complainant concerning the political activity of others, and a seeker after information concerning the scope of the rule. The county in which he resides has been the scene of several investigations of political activity charges by the commission, involving a number of people all of whom are probably known to him, and these investigations and others made by the commission elsewhere have received considerable publicity. There is no excuse for ignorance of the rule or for misinterpreting it, as Mr. Ivey seems to have done, to suit his inclinations. He has once been reprimanded for undue political activity, and has since been guilty of numerous violations of the rule. The commission therefore requests that Mr. Ivey be removed from the service."

The action requested by the commission was taken.

Eufola, case of Wiley B. Gant, rural carrier.*Charge:* Undue political activity.*Date of charge:* November 26, 1913.

Result: On joint investigation by representatives of the Post Office Department and the commission it was found that the carrier conveyed voters to the polls in an election held in 1910, and that on one of these trips an offer was made either by him or by the postmaster, who accompanied him, to pay a consideration to a voter if he would leave his work and go to the polls; also that the carrier had discussed politics while on and off duty with patrons and others more freely than was proper for one in his official position, and had been unduly active in the expression of his political views to those with whom he came in contact, both officially and privately. The commission requested that he be suspended 60 days without pay. The department advised the commission that the case had been closed by calling for the carrier's resignation, which had been received.

Peachland, case of Thomas V. Howell, rural carrier.*Charge:* Loitering on route to engage in political discussion and soliciting votes.*Date of charge:* December 6, 1913.

Result: A joint investigation was made by representatives of the Post Office Department and the commission and it was found that on a number of occasions the carrier loitered on his route for the purpose of engaging in political argument and discussion with patrons. At the request of the commission the department reprimanded him and warned him that a further violation of the regulations would call for severe measures.

OHIO.

Butler, case of Jacob S. Garber, rural carrier.*Charge:* Service as election officer.*Date of charge:* November 6, 1913.

Result: Upon investigation by a representative of the commission it was found that Mr. Garber had served as judge of election. He stated he did not know that such service was contrary to the rules and immediately resigned the office, the term of which was one year. At the request of the commission the department suspended him for five days without pay.

Toledo, case of B. J. Dalkowski, post-office clerk.*Charge:* Signing a public appeal for votes.*Date of charge:* November 29, 1913.

Result: An investigation was conducted by the secretary of the sixth civil service district at the direction of the commission. From this investigation it appears that the campaign was a heated one and fought out to a large extent on religious lines. Mr. Dalkowski stated that he did not know the exact nature of the published letter to which his name was signed making an appeal for votes and may, therefore, be absolved from any intentional violation of the rule, but the fact remains that his failure to exercise ordinary care and diligence resulted in the use of his name in a published appeal for votes during a bitterly contested political campaign, and the department was requested to reprimand him therefor and warn him against future violation of the rule.

Action was taken by the department as requested.

Vanatta, case of William G. Garrett, rural carrier.*Charge:* Service as officer of a political association.*Date of charge:* December 3, 1913.

Result: Upon investigation by a representative of the commission it was found that Mr. Garrett had served as local committeeman for a "good government league" and as such committeeman gave publicity to a meeting held under its auspices by posting a number of notices; to defray the expense of this meeting he called upon some of the citizens for contributions and turned over the amounts collected to one of the speakers at such meeting. The league in question took a prominent part in a campaign on certain proposed constitutional amendments as to (1) the short ballot for state officers, (2) the short ballot for county and township officers, (3) the exemption from taxation of State of Ohio, city, village, hamlet, county, township, road district, and school bonds, (4) eligibility of women to appointment as members of boards of, or positions in, departments and institutions affecting, or caring for, women and children, and (5) a small legislature. The league also interested itself in a referendum on a

proposed law to prohibit the shipment, conveyance, or receiving of intoxicating liquors into territory in which their sale as a beverage was prohibited. The commission holds that such an organization is a political one, though it may be a so-called nonpartisan organization, and in becoming an officer of this association and engaging actively in its work to bring about either the passage or defeat of the measures in question Mr. Garrett violated the rule prohibiting political activity. At the request of the commission the department ordered his suspension for 30 days without pay, but later this order was modified, without objection from the commission, to suspension for 15 days without pay.

OKLAHOMA.

Knowles, case of John W. Gambs, fourth-class postmaster.

Charge: Political discrimination in appointment.

Date of charge: September 22, 1913.

Result: It was found that the Post Office Department in selecting Mr. Gambs from three eligibles certified by the commission had acted upon a recommendation the making of which was influenced by political considerations. At the request of the commission the department canceled the appointment of Mr. Gambs and appointed a successor.

PENNSYLVANIA.

Bloomsburg, case of Edward E. Caldwell, post-office carrier.

Charge: Candidacy for nomination for an elective office.

Date of charge: September 20, 1913.

Result: It was found that he made a speech at a political meeting, introducing one of the speakers, and that he also became a candidate for the nomination of his party for the municipal office of councilman, and received the nomination, withdrawing his candidacy after receiving the nomination. His name was placed upon the primary ticket with the understanding that he was not a bona fide candidate and that he was to withdraw if he received the nomination, he being one of four out of a total of six whose names were placed on the ballot with the same understanding. Under the law the two candidates receiving the highest number of votes were to be the nominees of the party. At a meeting of a league composed of voters belonging to this party it had been decided to place on the primary ballot the names of six persons, with the understanding that two of them were to be the actual candidates, the other four to withdraw even if they received sufficient votes to entitle them to the nomination. This action was taken, it was explained, in order to forestall any attempt of another party to have its candidates' names placed in the vacant spaces on this party's ballot and for the further purpose of filling up the space on the ballot in order that there would be no blank spaces left in which the names of candidates belonging to other parties might be written, thereby rendering possible the defeat for the party's nomination of the regular party candidate. It appeared that while this scheme was known to some of the members of his party closely affiliated with its organization, those who voted for him and elected him as one of the party nominees voted for him in good faith, believing that he would accept the nomination. The commission requested that he be suspended 30 days without pay and reprimanded. The department, having discontinued the practice of suspending letter carriers as a disciplinary measure, ordered a reduction of one grade in his salary, in lieu of the punishment requested by the commission.

Clifton Heights, case of William B. Palmer, postmaster (third class).

Charge: Pernicious political activity.

Date of charge: January 31, 1914.

Result: The Post Office Department forwarded to the commission, with request for review and such suggestions as the commission might wish to make, the report of a post-office inspector, in which it was recommended that Mr. Palmer be removed for pernicious political activity. A further investigation was ordered by the commission and from the evidence obtained it appeared that the postmaster was a party to the preparation and submission of fraudulent nomination papers in the fall of 1912. As the postmaster's activities had been such as to cause public scandal in violation of the restrictions upon the political activity of unclassified officers the commission recommended removal, which was ordered by the Post Office Department.

New Holland, case of George W. Bair, rural carrier.*Charge:* Taking an active part in politics.*Date of charge:* January 8, 1914.*Result:* A joint investigation was made by representatives of the commission and the department. It was found that this carrier had participated in political parades, in which he stated he was "generally the marshal or aide," and that his activity amounted to more than merely marching in a parade, which is permissible. He led a parade held in November, 1912, thereby taking an unduly prominent part therein, and the commission requested that he be reprimanded and warned. The department replied that the carrier had recently been called upon to tender his resignation, on account of unsatisfactory services, which resignation had been received. No further action was taken.**Philadelphia, case of James J. Campbell, deputy collector of internal revenue.***Charge:* Service as member of the State legislature.*Date of charge:* February 15, 1914.*Result:* Upon receipt of information that Mr. Campbell was a member of the legislature of the State of Pennsylvania the attention of the Treasury Department was called to the fact that such service is prohibited by the Executive order of January 17, 1873, forbidding the holding of State, county, or municipal office by Federal officers or employees, and also by a provision of the constitution of Pennsylvania. The department replied that Mr. Campbell had resigned his seat as a member of the State legislature.**Philadelphia, case of James M. Gray, classified laborer, customs service.***Charge:* Holding local office.*Date of charge:* January 27, 1914.*Result:* Upon inquiry by a representative of the commission it was found that Mr. Gray was holding the local office of justice of the peace. This office is one which is excepted from the general prohibitions of the order of January 17, 1873, against the holding of local office by Federal officers or employees, but in Pennsylvania there is a provision of the State constitution that no person holding or exercising an office or appointment of trust or profit under the United States shall at the same time hold or exercise any office in the State to which a salary, fees, or perquisites shall be attached. The attention of Mr. Gray was called to this provision and he resigned the office of justice of the peace. In view of his prompt resignation of the local office no further action was taken by the commission.**Philadelphia, case of David Simons, substitute clerk, post office.***Charge:* Service as election officer.*Date of charge:* September 27, 1913.*Result:* Upon investigation by a representative of the commission it was found that this employee had served as election clerk at a primary election, knowing such service to be in violation of the rule prohibiting political activity. The commission requested that he be removed in view of his deliberate and willful violation of the rule, but the department decided to charge 300 demerits against him and warn him that any future dereliction would result in removal.**Pittsburgh, case of Bloomfield H. Howard, storekeeper-gauger, Internal Revenue Service.***Charge:* Candidacy for nomination for Member of Congress.*Date of charge:* May 1, 1914.*Result:* A published announcement of the candidacy of Mr. Howard for the nomination of his party for election as Member of Congress was called to the attention of the Treasury Department with the request that Mr. Howard be directed to withdraw such candidacy or resign his Federal position immediately, and, in the event of his failure to do either before the date of the primary election, that he be removed from the service. Mr. Howard tendered his resignation as a storekeeper-gauger, which was accepted.**West Middlesex, case of Robert T. Bell, rural carrier.***Charge:* Candidacy for local elective office.*Date of charge:* November 18, 1913.*Result:* An investigation was made by a representative of the commission and it was found that Mr. Bell was placed in nomination for the office of councilman without his solicitation or knowledge, but thereafter accepted the nomination

and was elected. Upon discovery after the election that candidacy for or service in such a position was forbidden by the rules he refused to qualify as councilman. The commission requested that he be reprimanded for his violation of the rules and warned against further violation. The department stated it was believed that not only the interests of the service but his own welfare would be promoted by his transfer to another office, which transfer was ordered.

TENNESSEE.

Humboldt, cases of Robert H. McNeely, postmaster (second class), William E. Hay, post-office clerk, and James M. McCaleb, rural carrier.

Charge: Pernicious political activity.

Date of charge: November 15, 1913.

Result: The Post Office Department forwarded to the commission reports of investigation by a post-office inspector of charges against the persons named, with request for recommendation as to the action to be taken with regard to Messrs. McNeely and McCaleb. It was established that the postmaster was a leader in his political party and of a faction which bore his name, and that during the pre-convention campaign of 1912 he was the principal figure in a factional convention fight, one of his clerks, Mr. Hay, being made chairman of the convention and making rulings alleged to have been unfair which resulted in two conventions being held in the same hall. It was further shown that he had been a leader in previous factional contests, was a referee in the distribution of Federal patronage, paid the expenses of various persons to attend and participate in political conventions in which he was interested, requested and induced subordinate post-office employees to attend such conventions, he or Mr. Hay paying their expenses, and was, in 1912, chairman of the county campaign committee of his party. It was clear that Mr. McNeely had used his Federal office to control political movements, that his activity had been such as to cause public scandal, and that he had served as an officer of a political committee, in violation of the restrictions upon the political activity of postmasters and other unclassified post-office employees or officers, and the commission recommended that he be removed. He tendered his resignation and a successor was appointed.

Mr. Hay, the active lieutenant of the postmaster in his political work and in inducing subordinates to render political service, was removed because of his political activity.

It was found that Mr. McCaleb attended and participated in a political convention at the request of the postmaster conveyed by Mr. Hay, and there was some evidence that he had made a political contribution to and at the suggestion of Mr. Hay, but the evidence was deemed insufficient to warrant prosecution of either. At the request of the commission the department reprimanded the carrier and warned him against further violation of the rule.

Jackson, case of Willis F. Arnold, postmaster (first class).

Charge: Pernicious political activity.

Date of charge: July 11, 1913.

Result: The Post Office Department transmitted to the commission for review and such suggestions as the commission might desire to make the report of two post-office inspectors in which it was recommended that Mr. Arnold be removed for pernicious political activity. The commission ordered a further investigation by the Secretary of the fifth civil-service district. It was found that the postmaster had used his official authority or influence for the purpose of interfering with an election or affecting the results thereof in that he had solicited the attendance of subordinate employees at political meetings and requested them to render other minor political services. It was further found that political discrimination had been exercised in appointments and promotions in subordinate positions, a local political leader exercising considerable influence over the postmaster in such matters. After his appointment as postmaster Mr. Arnold continued to serve as chairman of the county committee of his party in violation of the policy of the Post Office Department to prohibit the holding of office upon political committees by postmasters and other unclassified officers; however, his chairmanship was but nominal in character and unaccompanied by active leadership. The commission recommended the removal of Mr. Arnold, which was ordered by the Post Office Department.

Luttrell, case of John Atkins, rural carrier.

Charge: Publicly making wagers on election results.

Date of charge: July 23, 1913.

Result: Upon investigation by a post-office inspector it was found that the carrier a few days before the November, 1912, election made a wager upon one of the results of the election, which, however, was later withdrawn, and that he made a further wager while the election returns were coming in. The commission recommended that he be reprimanded and warned, which action was taken.

Martins Mills, case of Daniel D. Wilkerson, rural carrier.

Charge: Engaging in political discussion while on his route and activity at the polls.

Date of charge: December 30, 1912.

Result: Upon investigation by a representative of the commission it was found that this carrier had been active at the polls in connection with an election held August 1, 1912, and that he had engaged in political discussions on his route and elsewhere to an extent improper for a competitive employee. He was reprimanded and suspended 15 days without pay.

Memphis, case of H. O. True.

Charge: Solicitation of political contributions in Federal buildings.

Date of charge: February 6, 1912.

Result: The following letter written by the commission to the Attorney General on October 9, 1913, shows the facts in the case and the commission's action:

OCTOBER 9, 1913.

The honorable the ATTORNEY GENERAL.

SIR: This commission has the honor to submit the following statement with regard to a violation of section 119 of the Criminal Code by Mr. H. O. True, of Memphis, Tenn., and to request that he be prosecuted therefor.

The following sworn statement was made by Mr. True on October 9, 1912:

"Some time between March and July, 1911, when the minority members of the Tennessee Legislature were in Birmingham, Ala., for the purpose of breaking the quorum, the chairman of the State executive committee telegraphed me to see Surveyor Spence and District Attorney Todd, and ask them to contribute \$100 each to keep those members of the legislature in Birmingham. I took this telegram to each one of these gentlemen at their offices in the Federal building and asked them to read it, which they did, and they advised me that they would communicate with the chairman directly.

"I saw Postmaster Dutro on the street about the matter and he promised to make a contribution, which he did later, handing me a check for \$50 in his store.

"I telegraphed Mr. J. S. Johnson, United States marshal, at his office in the Federal building, about the contribution, and later I met Mr. Johnson on the street and he handed me a check for \$100."

The above statement of Mr. True as to solicitation in Federal buildings was corroborated by sworn statements as follows:

J. T. Spence, then surveyor of customs for the port of Memphis:

"During the first part of the year 1911, and during the filibuster in the Tennessee Legislature at the time, Mr. H. O. True came into my office in the Government building, room No. 25, at Memphis, Tenn., and requested a donation of money from me to be used for political purposes. I told Mr. True that I did not like his way of doing business and so gave him no money. There were no witnesses present."

Casey Todd, United States attorney:

"In the early part of 1911 Mr. H. O. True came to my office, room 49, Federal building, that is, to the door, and called me out into the corridor and stated that he was getting up some money for the State legislators, who were then away in Alabama, and wanted me to give him something, to the best of my recollection, either \$75 or \$100."

J. Sam Johnson, United States marshal:

"On April 17, 1911, I issued a check for \$100 in favor of H. O. True. This was a voluntary donation of mine to the Alabama end of the Tennessee Legislature. A few days previous to the issuance of this check I was in Nashville, Tenn. A bill to repeal the election laws was passed by both houses of the legislature. I was satisfied that Gov. Hooper would veto this bill, and in order to prevent and forestall its passage over his veto enough of the friends of the present election law agreed to flee from the State and remain away long enough for the time to expire for the legislature to adjourn. When I learned that they were game enough to do it, I volunteered this contribution. Learning that True and others in this city were contributing to the same cause, I voluntarily gave True my check, as above stated, to send along with the other contributions.

"True may have called me over the telephone regarding this matter. I do not remember how that is."

The following is an extract from the report of Mr. H. A. Hesse, representing this commission, and Post Office Inspector Helmer, who conducted the investigation:

"As hereinbefore shown, the evidence is clear and uncontradicted that Mr. True has solicited political contributions in the Government building at Memphis in violation of law. He clearly indicated that this was done with the knowledge that the same was prohibited and with entire disregard to the provisions of the statute."

This case and that of L. W. Dutro, recently convicted, were submitted to the Department of Justice with the commission's letter of October 22, 1912, and were referred to the United States attorney at Memphis on October 28, 1912, with instructions to present the matter to the grand jury if he found upon investigation that the facts appeared to warrant such action. Hon. A. M. Tillman, who was later assigned to the case as special attorney upon the representations of the commission that Mr. Todd could not with propriety appear as prosecutor in a case in which he was a material witness, reported under date of November 23, 1912, that—

"The political situation is such and the feeling is such, in my opinion (which is formed after consultation with the district attorney here), that it is doubtful whether or not proper consideration would be given to the matter by the grand jury if presented at this time."

With reference to the charges against Mr. True, he stated:

"Mr. H. O. True appears to have solicited in the Federal building, from Federal officials, heads of offices there, contributions, several, to help meet the expense of certain members of the legislature who had left Tennessee and gone to Alabama for the purpose of defeating certain legislation. He made no solicitations from any Federal officials, so far as I am advised, except the United States district attorney, the postmaster, the United States marshal, and the surveyor of customs, all persons over whom he apparently had no sort of control and none of whom would have been influenced to do otherwise than as they desired, and did not do so, as the evidence shows, and the prosecution instituted at this time against Mr. True would be for an offense so slight in the eyes of the public (which is now being regaled with election-fraud cases now being tried in the State courts here) that no good whatever, in my opinion, would come of the matter. It is doubtful if an indictment would be returned and, if returned and now tried, a conviction would be very difficult, if not impossible.

"It is very certain that if Mr. True should be indicted and Mr. Dutro should not be it would be looked upon and considered by the public as in some sense a 'frame-up'; and that the district attorney and his assistant were warm personal friends of the present postmaster, supporting him politically and very desirous of seeing him reappointed, and were on account of political differences desirous of defeating and humiliating Mr. True.

"Considering that Mr. True could not have exerted any influence over any of the parties from whom he solicited, that they were all well informed and absolutely independent of him, and the probable light in which the public would view such a prosecution and the probable result thereof, I respectfully submit the question whether or not the alleged violation of the law is of such character and of so serious a nature as to demand criminal prosecution.

"If he should be indicted for said alleged offense, a question would probably be raised as to whether or not the purpose was a 'political' one in the sense of the statute involved. No campaign was on, except one of legislation, and it was generally understood that the money raised as indicated was used for paying railroad fare and hotel bills of absent members of the legislature."

The view taken by Hon. W. R. Harr, then Assistant Attorney General, who was in charge of prosecutions under the civil-service law, is indicated in the following extract from his letter of November 27, 1912, to Mr. Tillman:

"I do not think there is any merit in the charge against Mr. True, based upon the fact that he may have solicited in Federal office buildings and from Federal officials contributions 'to help meet the expense of certain members of the legislature who had left Tennessee and gone to Alabama for the purpose of defeating certain legislation.' This was clearly not soliciting contributions for a 'political' purpose within the meaning of section 119 of the Criminal Code. Legislation and politics are very different, and an effort to promote or defeat legislation is clearly not a political matter."

On May 24, 1913, the commission wrote the department suggesting that United States Attorney Du Ralle, who had been authorized to present the Dutro case to the grand jury, be also instructed to present that of Mr. True, to which reply was made on May 27, 1913, in a letter signed by the Attorney General, that—

"It appears from the department's letter of November 27 last that my predecessor did not think this case should be presented to the grand jury, and I am not prepared to differ with him in this matter.

"In this connection I have noted your letter of May 24, 1913, in which the views of the commission as to the scope of the statutes against soliciting political contributions are set forth."

The commission's letter of May 23, 1913, above referred to, had been written after the commission had received during the past two years a series of letters from the department, signed by Hon. W. R. Harr, in which his extremely liberal theories as to the "spirit of the civil-service law" had been set forth, and in which the institution of criminal proceedings had been refused notwithstanding plain violations of the law. As stated on page 30 of the memorandum accompanying the commission's letter of August 16, 1913, concerning Mr. Harr:

"There is nothing in the correspondence to indicate that the predecessor of the present Attorney General had anything to do with the case, or that the opinions expressed and the action taken were those of any other person than Mr. Harr. If the then Attorney General did examine the case his examination must have been a very cursory one. Three United States attorneys to whom the evidence against Mr. True has been shown have expressed the informal opinion that he has violated the law; and it is believed that if consideration of this case could be secured from the Attorney General in person or from some official of the Department of Justice other than Mr. Harr, it would result in the institution of criminal proceedings against Mr. True and in the destruction of the impression now existing in Tennessee that political influence was responsible for the failure to endeavor to secure his indictment."

The following is an extract from a letter of Mr. H. A. Hesse, dated May 29, 1913, just before the trial of Mr. Dutro and after his indictment:

"The finding of the grand jury has caused considerable excitement. The merits of the case have been lost sight of, for the time at least. Dutro charges a conspiracy on the part of True and others, and threatens reprisals. I deeply regret the decision of the Assistant Attorney General in the True case, in which he differentiated between solicitations for "political" purposes and those for "legislative" purposes (not agreed to by the commission, as stated or indicated in recent letters to the Attorney General, nor by two United States attorneys who have had the case) which prevented Mr. Du Ralle from presenting the True matter also to the grand jury. In Mr. Du Ralle's opinion the case against True is more serious than that against Dutro, and it is. The action taken will without doubt leave in the minds of almost everyone the impression that Dutro has been made to suffer while True, guilty of a known similar or greater offense, has escaped on a technicality. One of Dutro's friends, his bondsman in fact, said to me that while he had no information on the subject, he was satisfied the reason the True case was not taken up was because his friends had reached the Department of Justice. Of course there is nothing in that, but I mention it to show what is being said.

"* * * The members of the grand jury who had questioned me in some heat, stated before I left the room that they wanted it understood that they had no criticism to make of the Civil Service Commission, or of me as its agent, for bringing this action, and that they clearly recognized that it was simply in the performance of duty. In all the statements that I have heard no other opinion is expressed. The failure to take action against True is what galls, but the commission is not held responsible for it."

If the Attorney General shall see fit to comply with the commission's request that the case of Mr. True be prosecuted, the commission begs to state that it was much pleased with the ability, energy, and sympathy with the civil-service law with which Hon. George Du Ralle conducted the prosecution of Mr. Dutro, resulting not only in conviction, but in an important interpretation of the law; and in view of the fact that Hon. Casey Todd, the United States attorney for this district, is a material witness in the case, and as Mr. Du Ralle is familiar with it the commission requests that he be assigned to its prosecution.

The defense will probably be interposed in this case that the purpose for which the contributions in question were solicited was not a political one. As the decision on this point, should it be raised, will be an important interpretation of the statute, it is requested that Mr. Du Ralle be instructed, should the case be prosecuted, to endeavor to have the court's decision officially reported, and if the defense is sustained to lay the ground for an appeal to the Supreme Court.

The commission has frequently been hampered in its endeavors to secure the enforcement of the civil-service law by the reluctance of prosecuting officials of the Government to undertake prosecutions under the political assessment provisions thereof because of the alleged possibility that a defense would be interposed which might result in acquittal. Though the commission had always construed section 12 of the civil-service act as prohibiting solicitation of political contributions in Federal buildings by letter as well as in person, it was not until 24 years after its enactment and in spite of numerous violations that a prosecution was had, and even then the decision in the lower court was in favor of the defendant, but was promptly reversed and the view of the commission emphatically sustained on appeal to the Supreme Court. (*United States v. Thayer*, 209 U. S., 39.) Another defense which was sufficient to prevent prosecutions in a large class of cases until 1912, based upon an opinion of former Attorney General Harmon, of January 25, 1896 (21 Op., 298), was the theory that a defendant receiving a political contribution for the purpose of delivering it to a political committee or organization or another person merely acted as agent or messenger of the employee making the contribution and did not receive it within the meaning of the law. In the case of the postmaster and assistant postmaster at Cohoes, N. Y., a demurrer was interposed on the above ground and was overruled by the court, yet when the case came to trial the court in charging the jury took practically the same ground taken in the demurrer and went so far as to state that it was incumbent upon the Government to prove that the identical money contributed was actually used for political purposes, with the result that the defendants were acquitted. Unfortunately, the assistant United States attorney, who at the last moment had been instructed to prosecute the case and was totally unprepared, took no exception to this charge and there was therefore no ground for appeal. In the recent prosecution of Mr. Dutro the same defense was urged, but Mr. Du Relle ably demonstrated its fallacy and a conviction resulted.

The defense probably to be urged in this case, to which Mr. Harr subscribed, that the purpose for which Mr. True solicited contributions was not a political one, is believed by the commission to be fallacious, for the reasons stated in its letter of May 23, 1913, and in pages 27 to 31 of the memorandum accompanying its letter of August 16, 1913, concerning Mr. Harr. In any event it is the opinion of the commission that the presentation to and decision of this important question of interpretation of the civil-service law by competent judicial authority should not be prevented. The commission therefore urges that this case be presented to the grand jury at the coming November term, inviting attention to the fact that the statute of limitations will have run against the case if action is deferred until the May term.

By direction of the commission:

Very respectfully,

JOHN A. McILHENNY, *President.*

[Brief accompanying above letter].

VIOLATION OF SECTION 119, CRIMINAL CODE.

This proposed prosecution is under section 119 of the Criminal Code of the United States (35 Stat., 1110) which reads as follows:

"No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section, or in any navy yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever."

By section 122 of the Criminal Code it is provided that "Whoever shall violate any provision of the four preceding sections shall be fined not more than \$5,000, or imprisoned not more than three years, or both."

STATEMENT OF THE CASE.

The evidence obtained in a joint investigation by representatives of the Civil Service Commission and the Post Office Department shows that H. O. True, of Memphis, Tenn., received instructions contained in a telegram from the chairman of the Republican State executive committee of Tennessee to see J. T. Spence, then surveyor of customs for the port of Memphis, and Casey Todd, United States attorney for the western district of Tennessee, and to ask them to contribute \$100 each to help pay the expense of keeping the minority (Republican) members of the Tennessee Legislature outside the jurisdiction of the State in order to maintain an absence of quorum until the date fixed for the legislature to adjourn, the purpose being to prevent the passage of certain legislation relating to the laws of the State regarding elections over the governor's veto. In pursuance of these instructions Mr. True states he called upon Messrs. Spence and Todd at their offices in the Federal building at Memphis, Tenn., showed them this telegram and asked them to read it, which they did and advised him they would communicate directly with the chairman. Mr. Spence states that Mr. True came to his room in the Federal building and there requested such a contribution, and Mr. Todd states Mr. True came to his office, called him to the corridor, and there asked for a contribution for the purpose above stated. Mr. True further states he telephoned J. S. Johnson, United States marshal, at his office in the Federal building regarding the matter, and Mr. Johnson corroborates him to the extent of saying that Mr. True may have called him up over the telephone regarding it, though he does not remember the circumstances. Mr. True fixes the date of these occurrences as some time during the early part of the year 1911. He is charged on three counts with violation of section 119 of the Criminal Code.

ISSUES.

The principal issue in this case is whether or not the purpose for which these contributions were solicited was a "political" purpose within the meaning of the statute. This question is determinative of the case, since the facts as above stated are admitted by the defendant.

A secondary issue is whether or not the solicitation of Mr. Johnson by means of the telephone constitutes a solicitation "in any manner whatever" within a "room or building occupied in the discharge of official duties by any officer or employee of the United States." It is admitted that the defendant was not physically present in such a building when this solicitation took place, and this question is determinative of the third count.

BRIEF OF THE ARGUMENT.

- I. The statute is constitutional.
- II. Soliciting and receiving are distinct offenses under the statute, and the defendant is not charged with receiving.
- III. Telephone solicitation is within the prohibition of the statute.
- IV. Whether or not there was coercion is immaterial.
- V. The purpose was a political one.

ARGUMENT.

I.—*Constitutionality.*

The statute is constitutional and has been so held to be in *United States v. Newton* (9 Mackey (D. C.) 226, 19 Wash. L. R., 770); *United States v. Thayer* (209 U. S., 39).

In *United States v. Huffman* (November T., 1906, district of Indiana, unreported), which was a prosecution for soliciting funds in a post office, a demurrer was interposed on the ground that the law was unconstitutional if held to apply to buildings simply leased from a State by the United States Government and over which the State still exercised a landlord's control; the demurrer was overruled. See also *United States v. Elliott* (April T., 1907, northern district of Illinois, unreported), where a prosecution was maintained for soliciting political funds in a distillery where storekeepers and gaugers were stationed in the performance of official duty. In *United States v. Glick* (June, 1909, district of Delaware, unreported) the constitutionality of the statute was ably attacked by counsel for the defendant; the lengthy decision in this case, fully upholding its constitutionality, is published in the twenty-sixth report of the Civil Service Commission, beginning on page 159.

II.—*Soliciting and receiving are distinct offenses.*

The defendant is not charged with receiving political contributions, and solicitation alone in the prohibited place is a violation of the statute, and is a separate and distinct offense. As this prosecution is for soliciting, any discussion of whether he did or did not receive is immaterial and irrelevant. The law says "solicit in any manner whatever or receive," not "solicit in any manner whatever and receive."

III.—*Telephone solicitation.*

One of the counts charges the defendant with soliciting a political contribution from J. S. Johnson, United States marshal, in his office in the Federal building at Memphis, the solicitation having been accomplished through the use of the telephone. It may be mentioned here that in *United States v. Lathrop et al.* (March, 1912, northern district of Alabama, unreported) the prosecution was based in part upon telephone solicitation and in part upon letters delivered in Federal buildings to which the signatures of the defendant were appended; a plea of guilty was entered, however, and no question as to the manner of the solicitation was raised. The only respect in which this count differs from the other two counts is that the defendant is admitted not to have been physically present in the building when the solicitation took place. The statute prohibits such solicitation in a Federal building "in any manner whatever." It prohibits the solicitation, and disregards the manner in which it is done, looking only to the place. It does not require that the solicitor shall be physically present when the solicitation is made, but it is sufficient if he sets in motion the agency by which the solicitation in the building takes place. The words quoted plainly make it an offense to communicate the solicitation by means of a telephone call made by a person out of the building to a person within the building. It seems clear that a solicitation communicated by a person out of the building through a nonsentient agency to a person in the building is a solicitation "in any manner whatever," and this appears to have been the view taken by the Supreme Court in *United States v. Thayer* (209 U. S., 39), from the decision in which the following is an extract:

"* * * The only question argued or intended to be raised is whether the defendant's physical presence in the building was necessary to create the offense.

"Of course it is possible to solicit by letter as well as in person. It is equally clear that the person who writes the letter and intentionally puts it in the way of delivery solicits, whether the delivery is accomplished by agents of the writer, by agents of the person addressed, or by independent middlemen, if it takes place in the intended way. It appears to us no more open to doubt that the statute prohibits solicitation by writing as well as by spoken words. It forbids all persons to solicit 'in any manner whatever,'

"* * * We can see no distinction between personally delivering the letter and sending it by a servant of the writer. If the solicitation is in the building the statute does not require personal presence, so that the question is narrowed to whether the solicitation alleged took place in the building or outside.

"No difficulty is raised by the coupling of solicitation and receipt in the statute. If receipt required personal presence it still would be obvious that 'solicit in any manner whatever' was a broader term.

"* * * To sum up, the defendant solicited money for campaign purposes; he did not solicit until his letter actually was received in the building, he did solicit when it was received and read there, and the solicitation was in the place where the letter was received."

IV.—*Absence of coercion immaterial.*

Whether or not any pressure, official or otherwise, is applied, is entirely immaterial in a prosecution under this statute. There are other and separate statutes which prohibit one Government officer or employee from soliciting or receiving from or paying to another Government officer or employee any contribution for any political purpose whatever, and prohibiting discrimination in favor of or against an officer or employee for making or failing to make political contributions, but with these statutes this prosecution is not concerned. The fact that the persons solicited were Government officers is immaterial except as fixing the character of the building in which the solicitation took place, and its character could as well be established by proof of its occupancy by other Government officers as by these; the question of whether or not the contributions were voluntary is also immaterial. The gravamen of the offense is the solicitation within a Government building of a political contribution, and if the building be one "occupied in the discharge of official duties by any officer or employee of the United States," the status of the solicitor and person solicited as private citizen or public official is irrelevant and immaterial. The law applies to private individuals and Government officers and employees alike, as it does also to voluntary contributions and involuntary assessments; it penalizes the evil of having a room or building occupied by Government officers or employees in the discharge of their official duties used as the place, office, or agency of a political party or organization or of any of its representatives for the solicitation or receipt of political contributions. Even though the persons solicited be not Government officers, and even though they voluntarily embrace the opportunity to contribute, solicitation or receipt in such a place is prohibited by this statute.

"While it may be easy to conceive of instances where such solicitation by one citizen of another would not work harm, such a practice if permitted might be seriously detrimental to the public service." (*United States v. Newton*, 9 Mackey (D. C.) 226.)

"That section applies just as well to officeholders as it does to private individuals, and it applies just as well to private individuals as to officeholders. The United States, in my judgment, has a right, as I said before, to provide that such a room or building shall not be made the theater or scene of objectionable practices on the part of officeholders, or on the part of private individuals." (*United States v. Glick*, 26th Rep. Civ. Serv. Com., 159.)

"The section does not alone make it an offense to solicit or receive from any officer or employee of the United States within the prohibited places. Under its plain language it is an offense to solicit or receive from any person within these places." (United States v. Thayer, 154 Fed., 508.)

"The purpose is wider than that of a notice prohibiting book peddling in a building. It is not, even primarily, to save employees from interruption or annoyance in their business. It is to check a political abuse, which is not different in kind, whether practiced by letter or by word of mouth." (United States v. Thayer, 209 U. S., 39.)

V. The purpose was political.

These contributions were solicited in the same manner that other political contributions are ordinarily solicited, by the agent of a political committee, the Republican State executive committee of Tennessee.

It will no doubt be contended in this case that as the statute is a criminal one it must be given a strict construction. An early case in the Supreme Court in which this question was involved was decided February 18, 1820, Chief Justice Marshall delivering the opinion of the court.

"It has been said, that although penal laws are to be construed strictly, the intention of the legislature must govern in their construction. That if a case be within the intention it must be considered as if within the letter of the statute. So, if it be within the reason of the statute. The rule that penal laws are to be construed strictly is perhaps not much less old than construction itself. It is founded on the tenderness of the law for the rights of individuals; and on the plain principle that the power of punishment is vested in the legislative not in the judicial department. It is the legislature, not the court, which is to define a crime and ordain its punishment.

"It is said that, notwithstanding this rule, the intention of the law-maker must govern in the construction of penal as well other statutes. This is true. But this is not a new independent rule, which subverts the old. It is a modification of the ancient maxim, and amounts to this, that though penal laws are to be construed strictly, they are not to be construed so strictly as to defeat the obvious intention of the legislature. The maxim is not to be so applied as to narrow the words of the statute to the exclusion of cases, which those words in their ordinary acceptation or in that sense in which the legislature has obviously used them, would comprehend." (United States v. Wiltberger, 5 Wheat. (U. S.) 76, 95.)

"Though penal laws are to be construed strictly, yet the intention of the legislature must govern in the construction of penal as well as other statutes, and they are not to be construed so strictly as to defeat the obvious intention of the legislature." (United States v. Lecher, 134 U. S., 624, 628.)

See also Johnson v. United States (196 U. S., 1), and United States v. Bitty (208 U. S., 393).

As stated by Chief Justice Marshall in United States v. Wiltberger, the rule of strict construction of penal statutes "is not to be so applied as to narrow the words of the statute to the exclusion of cases, which those words, in their ordinary acceptation, or in that sense in which the legislature has obviously used them, would comprehend." It may be noted that the statute under consideration broadly forbids solicitation of funds in a public building "for any political purpose whatever." In *Ex parte Curtis* (106 U. S., 371), Justice Bradley in a dissenting opinion discussed the scope of this term:

"At the present time any efficient connection with an association in favor of a prohibitory liquor law, or of a protective tariff, or of greenback currency, or even for the repression of political assessments, would render any government official obnoxious to the penalties of the law under consideration. For all these questions have become political in their character, and any contributions in aid of the cause would be contributions for political purposes."

The broad ground covered by this prohibition is well illustrated by the following argument of counsel for defendant in the *Glick* case, who attacked the constitutionality of the statute:

"As regards the purpose of such solicitation or receiving also, the statutory provision has no necessary or obvious relation to the public service of the United States. The prohibition is as wide as the political activities of the country and as narrow as the smallest political division of the people. It bears equally upon a presidential election, and upon a State, county, township, municipal, or school district election. Under the section in question no distinction is made between an election for Congressmen, members of the general assembly, county officers, officers of a township or city or a school committeeman, and it extends to a local option movement or a referendum, as well as to other elections and political operations. In the pursuance of this law the solicitation of funds among the friends of a candidate for dog catcher to promote his political aspiration to hold that office stands on the same level as the solicitation of funds to promote the chances of election of a candidate for the presidency. The prohibited solicitation or receiving need not have any immediate relation with any election whatever; they may be done in an off year, for the purpose of operating a committee headquarters, or a political club, for the maintenance of a political organization in the interim between elections. * * * No discrimination is made in the statute as to the character of the political uses to which money so solicited or received is to be put; soliciting and receiving funds to hire speakers, bands, carriages, and halls, to pay the expenses of disseminating campaign literature or political arguments, to print primary or election tickets, to promote reforms or moral ideas involved in public controversies, to do the thousand and one perfectly proper and absolutely necessary things connected with politics, are, under this law, upon the same plane as the solicitation and receiving of funds to buy votes; the words, 'for any political purpose whatever,' are all-embracing. The just and unjust are within the same condemnation. The words 'any political purpose whatever' envelop or may directly impinge upon nearly every public interest of the citizen, and the exercise of his most fundamental, protected, and sacred rights."

As stated before, the courts have uniformly, in the *Glick* as well as other cases, held that Congress has the constitutional power to prohibit such acts in a Federal building, and the section under discussion was enacted in the exercise of that power.

A purpose is "the particular thing that any object or course of action is intended to effect or attain" (Webster). Among the definitions of "political" and "politics" are the following:

"Relating to or concerned in public policy and the management of the affairs of the State or Nation; or of pertaining to civil government, or the enactment of laws and the administration of civil affairs." (Century Dictionary.)

"Pertaining to public policy; concerned in the administration of government; belonging to the enactment and administration of the laws." (Standard Dictionary.)

"Pertaining to or connected with a party or parties controlling government in a State." (Standard Dictionary.)

"Pertaining to policy, or to civil government and its administration; pertaining to measures or affairs that respect the government of a nation, state, or body politic." (Webster.)

"Pertaining to a party or parties, with respect to government." (Webster.)

"In a narrower and more usual sense, the art or vocation of guiding or influencing the policy of a government through the organization of a body among its citizens—including, therefore, not only the ethics of government, but more especially, and often to the exclusion of ethical principles, the art of influencing public opinion, attracting and marshaling voters, and obtaining and distributing public patronage, so far as the possession of offices may depend upon the political opinions or political services of individuals; hence, in the evil sense, the schemes or intrigues of political parties, or of cliques of individual politicians." (Century Dictionary.)

"Political affairs in a party sense; the administration of public affairs in the conduct of political matters so as to carry elections and secure public office; party intrigues; political wire-pulling, trickery." (Standard Dictionary.)

"In a looser sense, political affairs, or the contests of parties for power; the management and conduct of a political party, which includes the advancement of candidates to office." (Webster.)

The last three definitions above given are of the word "politics." The word "political" is defined in Bouvier's Law Dictionary as "pertaining to policy, or the administration of the government." The same definition is given in *People v. Morgan* (90 Ill., 563). A political party is a company or number of persons ranged on one side or united in opinion or design in opposition to others in the community; those who favor or are united to promote certain views or opinions. (Schafer v. Whipple, 25 Colo., 403.)

Legislation has always been so intimately connected with politics and with political parties and affairs that no great amount of reasoning is necessary to reach the conclusion that it is a political question, and that the solicitation of funds for the purpose of directly or indirectly influencing legislation is a solicitation for a political purpose, in the ordinary acceptance of the term "political" and in the sense in which this term is used in the statute. All political parties, factions, or organizations have as their ultimate object the control or administration of government or of some portion thereof. In the administration of the government they are guided by certain policies favored by the individuals by whose support they are established in office or power. The principal and indeed practically the only method by which they seek or are able to put such policies or measures into effect is through the enactment or defeat of legislation. The payment of the expenses of partisan members of a legislative body absenting themselves from its jurisdiction for the purpose of preventing a quorum therein and thereby preventing or defeating certain pending legislation is clearly a payment for a political purpose, and the political nature of the purpose is the more emphasized by the fact that the legislation in question was an important change in the election laws of the state and a partisan measure. It is difficult to conceive anything more directly connected with public policy and the management or administration of the affairs or government of a state than public legislation, and especially is this true of legislation relating to elections. "Political rights are those which may be exercised in the formation and administration of the government." (Bouvier's Law Dictionary.) "The chief political right is that of suffrage." (Cooley on Ports, 2d Ed., 349.) Surely a solicitation of funds for the purpose of preventing legislation relating to the most important political right is a solicitation for a political purpose.

In the Senate debate preceding the enactment of the civil-service act, Senator Hawley, of Connecticut, who was chairman of the Civil Service Committee, referred to this section as follows:

"Our object was to prevent any and every man who got any money from the United States for his work collecting or assessing anything of any value whatever from any other man in the United States who got a cent from the United States for his work. That of itself will remove a vast deal of the evil. But we went further and said that no human being could, inside of Uncle Sam's buildings or grounds, solicit in any way anybody for a cent. Then we said that no officer should promote or remove or degrade a man because he did or did not give, and he is liable to a heavy fine and heavy imprisonment if he does anything of that sort." (Cong. Rec., vol. 14, pt. 1, p. 639.)

The statements made in the debates preceding the enactment of the law and the use of the phrases "solicit in any manner whatever" and "for any political purpose whatever" clearly indicate the all-embracing intent of Congress to prohibit solicitation of funds in Federal buildings in any conceivable manner for any conceivable political purpose. A gross abuse had grown up of compelling public servants to contribute to the support and maintenance in power of the party for the time being in control of the disposal of subordinate public offices and places. They were continually coerced under peril or fear of loss of place or official favor and on all sorts of pretexts to make contributions for all sorts of purposes, rarely for legitimate campaign expenses, often for corruption funds, and frequently for a fund which never left the hands of the solicitor and his political intimates. Against this evil the civil-service law was aimed and its prohibitions were intended to be all-inclusive.

The statute is not confined to primary pre-convention or pre-election expenses, or to the expense of purchasing votes or paying workers at the polls; it is not confined to the expense of disseminating copies of speeches or other literature calculated to influence voters, or the expense of delegates to nominating conventions; it is not confined to "campaign contributions," and is not limited to those expenses of which candidates for political office in certain jurisdictions are required to file accounts; it is not confined to the campaign expenses of a candidate for election to the legislature, and is not limited to the amounts which may be spent by a legislator in rebuilding his political fences; it is not confined to the expense of an organized campaign of publicity in favor of or against pending or proposed legislation, or to the cost of influencing legislators in their official acts; but it is directed at solicitation of funds in Federal buildings for "any political purpose whatever" and includes within its broad prohibition any solicitation by the agent of a political committee and on its behalf of funds for the purpose of paying the expense of an organized and partisan effort to defeat legislation such as this.

So far as the commission is informed no action was taken to prosecute Mr. True within the period of the statute of limitations.

Oliver Springs, case of James E. Taylor, substitute railway mail clerk.

Charge: Candidacy for nomination for county court clerk.

Date of charge: March 3, 1914.

Result: Upon investigation by a representative of the commission it was found that Mr. Taylor was absent from duty engaged in a campaign for the nomination of his party for county court clerk, and that he had been warned by the postmaster at Oliver Springs, where he had been employed as a rural carrier, that his candidacy was in violation of the rule prohibiting political activity. In view of his continued violation of the rule in disregard of the warning given him, the commission requested that he be removed and this action was taken.

Sneedville, case of John H. Alder, rural carrier.

Charge: Handling campaign money and aiding in the buying of votes; writing a letter intended to injure the prospects of a candidate for political office.

Date of charge: July 15, 1913.

Result: A joint investigation was made by representatives of the Post Office Department and the commission, who found no evidence that the carrier had received or disbursed political funds or trafficked in votes. It was found that

he had written a letter to a reputed former political leader indorsing a candidate for appointment as county judge, and for writing this letter the investigators recommended that he be suspended 10 days without pay, in which recommendation the commission concurred. This action was taken.

TEXAS.

Wharton, case of Covey M. Hughes, postmaster (second class).

Charge: Pernicious political activity.

Date of charge: August 30, 1913.

Result: On the above date the Postmaster General transmitted to the commission a report of a post-office inspector recommending the removal of this postmaster, with the request that this report be reviewed by the commission and returned with such suggestions as the commission might wish to submit.

From the evidence obtained it appeared that this postmaster permitted himself to be used by the State chairman in inducing the county chairman to call a district convention which the district chairman had refused to call, an act as to the legality of which there was a question; that he was the moving spirit in a so-called meeting of the county executive committee which authorized the county chairman to call this convention, the only two persons present with any power being the county chairman and the postmaster, and the latter drafting the important resolutions adopted; that although he was not present at a county convention (so-called) held to select delegates to the district convention, he was elected a delegate by the five or six participants in this convention, none of whom was competent to act as secretary, and wrote the minutes of the convention some days afterwards from notes supplied to him by a participant; and that as such a delegate he took a most prominent and conspicuous part in the district convention held at Victoria, Tex. All of these proceedings were of doubtful legality and were the outcome of a factional contest in Texas which, whatever the merits of the case, created intense bitterness and much public scandal, not only locally but nationally. Mr. Hughes became the de facto leader of a political faction in his county if not the entire congressional district, and by accepting election as delegate from this district to the national convention he brought upon himself all the criticism directed at the acts of the faction which elected him. He wrote to other postmasters in his county endeavoring to induce them to support the candidate favored by him, which was most reprehensible, as such a request, coming from a person so well known to be high in the councils of the State chairman and other leaders of his faction could hardly be regarded otherwise than in the nature of an order.

It was clear that Mr. Hughes had disobeyed the regulations as to political activity of unclassified officers, in that his activities had been such as to cause public scandal and to bring the service into disrepute. The commission accordingly recommended that he be removed, which action was taken.

VIRGINIA.

Clarendon, case of Walter W. Caton, carpenter (temporary), Geological Survey.

Charge: Service as special police officer.

Date of charge: June 8, 1913.

Result: The charge was brought to the attention of the department for appropriate action, the department being informed that temporary employees are within the prohibitions contained in section 1 of Rule I prohibiting political activity, and that the Executive order of February 14, 1912, excepting from this rule and from the operation of the order forbidding the holding of local office employees residing in municipalities adjacent to the District of Columbia applies only to municipal politics and offices, and not to such county offices as that named. It was requested that Mr. Caton be asked to resign the office mentioned, which he did.

Richmond, case of James G. Jennings, post office carrier.

Charge: Solicitation of political support in connection with an application for promotion.

Date of charge: May 16, 1913.

Result: It was found upon investigation that Mr. Jennings had solicited indorsements and support from persons outside the postal service and under whose supervision he had not served, contrary to section 3 of Rule XI. With one possible exception, it did not appear that in soliciting indorsements he based

such solicitation upon political grounds. He ceased to solicit support when advised by the postmaster that his action in seeking support from outside the service was in violation of the civil-service rules, and a petition circulated by him in furtherance of his desire for promotion was not presented. As a penalty for his violation of the rules the salary of Mr. Jennings was reduced from \$1,200 to \$1,100 for a period of three months, on recommendation of the commission.

Sycamore, case of James D. Pickerell, rural carrier.

Charge: Political activity, and violations of the postal laws and regulations.

Date of charge: July 19, 1914.

Result: The Post Office Department having advised the commission that an investigation of various charges against this carrier had been ordered, a representative of the commission was directed to cooperate in the investigation as the charges included that of political activity. It was found that Mr. Pickerell had interested himself in securing the attendance at a political convention of one of his fellow carriers and had paid this carrier's transportation expense out of personal funds or political funds delivered to him for that purpose, and that he had made overtures to various political leaders for the purpose of securing political funds to use in his community, but had been unsuccessful, so far as appeared from the evidence. Other charges of violation of departmental regulations were fully proved. The commission advised the department that in its opinion the political activity of Mr. Pickerell taken alone did not warrant removal, which was recommended by the investigators, but that should the department after considering the other charges decide to retain him in the service the commission was of the opinion that he should be suspended 60 days without pay and reprimanded. The department replied that his removal had been ordered for deviating from and curtailing his route, carrying unauthorized persons in the mail vehicle, and interesting himself perniciously in political matters.

WISCONSIN.

Oshkosh, case of David R. Williams, janitor, custodian service.

Charge: Candidacy for nomination for sheriff.

Date of charge: April 25, 1914.

Result: The facts in the case are shown in the following extract from the commission's letter of June 11, 1914, to the Secretary of the Treasury:

"A news item having referred to Mr. Williams as a 'possible' candidate for the county office of sheriff and other reports of his candidacy having reached this commission's local secretary at Oshkosh, the local secretary immediately notified Mr. Williams that such candidacy was in violation of the civil-service rules, and reported the matter to the commission's district secretary in accordance with instructions, by whom it was in turn reported to the commission. It appears that in addition to the news item mentioned Mr. Williams and his friends have been interviewing voters and endeavoring in other ways to work up sentiment in his behalf, without becoming an avowed candidate in the sense that his candidacy has been formally announced. Upon receipt of the warning from the local secretary Mr. Williams addressed this commission in the matter of his candidacy. A letter was written him under date of May 18, 1914, a copy of which is inclosed. In this letter he was advised that the prohibition against political activity extends not merely to formal announcement of candidacy, but also to the preliminaries leading to such announcement, and to canvassing or soliciting support or doing or permitting to be done any act in furtherance of candidacy, and that if an employee acquiesces in the efforts of friends in furtherance of such candidacy and does nothing to prevent them the rule is violated. Mr. Williams was further advised that in view of the publicity given to the matter of his proposed candidacy he should either declare publicly and formally that he is not and will not be a candidate and require his friends to cease their efforts in that connection, or resign from the service, and that action should be taken promptly.

"The commission is now informed that Mr. Williams has declined to resign his candidacy, but has tendered his resignation as janitor, making it effective July 1, 1914, or before at the pleasure of the department, this date being that, as he states, on which it was his original purpose to make formal announcement of his candidacy and to resign. A report of the acceptance of his resignation, effective June 30, has just been received from the department.

"The actual, though not formally, announced candidacy of Mr. Williams is in violation of section 1 of Rule I, and he has been warned that he should either cease such candidacy or resign from the service promptly. His attempted resignation to take effect at a future date is not sufficient to take his case out of the operation of the rule, nor does it constitute compliance with the warning delivered to him. An employee who is known to be violating the civil-service rules should not be retained in the service, and it is therefore respectfully requested that his resignation be accepted to take effect immediately."

In compliance with the request of the commission the acceptance of his resignation was amended to take effect June 17 instead of June 30, 1914.

EXAMINATIONS HELD FOR HIGH-SALARIED POSITIONS, JULY 1, 1913, TO JUNE 30, 1914.

Chief metallurgist, Bureau of Mines.....	\$4,800
Senior architect, Interstate Commerce Commission.....	4,800
Senior civil engineer, Interstate Commerce Commission.....	4,800
Senior electrical engineer, Interstate Commerce Commission.....	4,800
Senior mechanical engineer, Interstate Commerce Commission.....	4,800
Senior railway signal engineer, Interstate Commerce Commission.....	4,800
Senior structural engineer, Interstate Commerce Commission.....	4,800
Senior telegraph and telephone engineer, Interstate Commerce Commission.....	4,800
Professor of chemistry, Public Health Service.....	4,500
Professor of pharmacology, Public Health Service.....	4,500
Assistant Chief, Bureau of Chemistry, Department of Agriculture.....	4,000
Chemist, Bureau of Chemistry, Department of Agriculture.....	4,000
Chief mine surgeon, Bureau of Mines.....	4,000
Metallurgical engineer (for work in iron blast-furnace operations), Bureau of Mines.....	4,000
Metallurgical engineer (for work in iron and steel), Bureau of Mines.....	4,000
Metallurgist (for work in low-grade ores), Bureau of Mines.....	4,000
Mining engineer, Bureau of Mines.....	4,000
Metallurgist (for work with smelter fumes), Bureau of Mines.....	3,600
Senior inspector of car equipment, Interstate Commerce Commission.....	3,600
Senior inspector of motive power, Interstate Commerce Commission.....	3,600
Senior land appraiser, Interstate Commerce Commission.....	3,600
Assistant Director, Office of Public Roads.....	3,500
Associate physicist, (qualified in engineering, with special reference to the production and use of fireproof materials), Bureau of Standards.....	3,500
Chief bacteriologist, Bureau of Chemistry, Department of Agriculture.....	3,500
Pulp and paper engineer, Forest Service.....	3,500
Assistant chemist, Bureau of Mines.....	3,000
Assistant metallurgist, Bureau of Mines.....	3,000
Electrometallurgist, Bureau of Mines.....	3,000
Entomological assistant, Department of Agriculture.....	3,000
Examiner of accounts, Interstate Commerce Commission.....	3,000
Mechanical engineer, Office of Public Roads.....	3,000
Quarry technologist, Bureau of Mines.....	3,000
Senior highway engineer, Department of Agriculture.....	3,000
Specialist in cooperative organization, Department of Agriculture.....	3,000
Specialist in marketing perishable products, Department of Agriculture.....	3,000
Specialist in transportation of farm products, Department of Agriculture.....	3,000
Senior animal husbandman, Department of Agriculture.....	2,750
Assistant farm architect, Department of Agriculture.....	2,500
Associate physicist in theoretical and experimental optics, Bureau of Standards.....	2,500
Barn architect, Department of Agriculture.....	2,500
Chemist in forest products, Forest Service.....	2,500
Chief, Office of Information, Department of Agriculture.....	2,500
Oil and gas inspector, Bureau of Mines.....	2,500
Sanitary chemist, Public Health Service.....	2,500
Sanitary engineer, Public Health Service.....	2,500

APPOINTMENTS UNDER COMPETITIVE TESTS AT \$3,000 OR MORE.

Name, salary, and designations of persons appointed during year ended June 30, 1914.

Name.	Salary.	Designation.
M. A. Zook.....	\$4,800	Senior civil engineer, Interstate Commerce Commission.
W. G. Atwood.....	4,500	Do.
Geo. H. Brenner.....	4,500	Do.
B. J. Dalton.....	4,500	Do.
C. A. Spencer.....	4,500	Do.
Earle B. Phelps.....	4,364	Professor of chemistry, Public Health Service.
Carl Voegtlin.....	4,364	Professor of pharmacology, Hygienic Laboratory.
M. P. Paret.....	4,200	Senior civil engineer, Interstate Commerce Commission.
Robert L. Emerson.....	4,000	Assistant Chief, Department of Agriculture.
B. T. Elmore.....	3,900	Senior civil engineer, Interstate Commerce Commission.
Alfred C. Olney.....	3,900	Do.
C. B. Spencer.....	3,900	Do.
F. S. Lyman.....	3,900	Senior telegraph and telephone engineer, Interstate Commerce Commission.
J. P. Pierce.....	3,900	Do.
John A. Galvin.....	3,900	Senior architect, Interstate Commerce Commission.
Theodore F. Laist.....	3,900	Do.
John Reed.....	3,900	Senior civil engineer, Interstate Commerce Commission.
L. D. McPherson.....	3,900	Senior land appraiser, Interstate Commerce Commission.
Francis H. Adams.....	3,900	Senior mechanical engineer, Interstate Commerce Commission.
Thomas B. Purves, Jr.....	3,900	Do.
Joseph Beaumont, Jr.....	3,900	Senior railway signal engineer, Interstate Commerce Commission.
William H. Harland.....	3,900	Do.
Charles S. Davis.....	3,900	Senior structural engineer, Interstate Commerce Commission.
Warrick R. Edwards.....	3,900	Do.
F. T. Oakley.....	3,900	Do.
F. B. Scheetz.....	3,900	Do.
J. H. G. Wolf.....	3,900	Petroleum engineer, Bureau of Mines.
Otto L. E. Weber.....	3,500	Pulp and paper engineer, Department of Agriculture.
W. H. Davison.....	3,300	Senior civil engineer, Interstate Commerce Commission.
M. V. Ayres.....	3,300	Senior electrical engineer, Interstate Commerce Commission.
J. R. Thompson.....	3,300	Senior mechanical engineer, Interstate Commerce Commission.
Geo. Warren.....	3,000	Senior architect, Interstate Commerce Commission.
F. E. Bissell.....	3,000	Senior civil engineer, Interstate Commerce Commission.
E. B. Espenshade.....	3,000	Do.
Paul McGeehan.....	3,000	Do.
C. C. Milner.....	3,000	Do.
C. W. Pifer.....	3,000	Do.
F. W. Rann.....	3,000	Do.
Aubrey G. Haven.....	3,000	Senior land appraiser, Interstate Commerce Commission.
Eugene W. Reed.....	3,000	Do.
E. P. Skene.....	3,000	Do.
A. O. Berry.....	3,000	Senior mechanical engineer, Interstate Commerce Commission.
F. F. Schiller.....	3,000	Senior railway signal engineer, Interstate Commerce Commission.
Harvey C. Sherer.....	3,000	Senior telegraph and telephone engineer, Interstate Commerce Commission.
F. H. Wilcox.....	3,000	Metallurgical engineer, Bureau of Mines.
A. G. Heggem.....	3,000	Petroleum engineer, Bureau of Mines.
R. M. Keeney.....	3,000	Electrometallurgist, Bureau of Mines.
Oscar L. Grover.....	3,000	Mechanical engineer, Department of Agriculture.
Edmund B. McCormick.....	3,000	Senior structural engineer, Department of Agriculture.

TABLE 1.—Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914.

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
FIELD SERVICES.							
For entrance:							
With educational test—							
Accounts, examiner of		485		485	78		78
Aid—							
Coast and Geodetic Survey	34	44		44			2
Lighthouse Service	31	47		47	2		3
Animal husbandman				(1)	3		2
Apprentice	9	129		129	21		21
Draftsman		12		12	7		7
Fish culturist	56	85		85	13		13
Machinist					1		1

¹ Examinations shown under Department service.

TABLE 1.—*Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.*

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
FIELD SERVICES—continued.							
For entrance—Continued.							
With educational test—Continued.							
Architect.....	8	9		9			
Senior.....		69		69	3		3
Architectural designer and draftsman.....					3		3
Bacteriologist.....		11		11	1		1
Sanitary.....	25	52		52	13		13
Blue printer.....	1	2		2	1		1
Bookkeeper.....	7	26	3	29	15		15
Bookkeeper and typewriter.....	11	10	5	15	1		1
Business principal.....	2	2		2			
Cadet engineer.....	7	12		12	2		2
Cadet officer.....	9	11		11	2		2
Checker.....	1	39		39			
Chemist—							
Assistant.....	1	9		9	15		15
Forest products.....	3	4		4			
Forest products, assistant.....					1		1
Junior.....	104	271	32	303	7		7
Petroleum, assistant.....		11		11			
Physical, assistant.....					1		1
Radioactivity, junior.....					1		1
Sanitary.....		14		14	4		4
Civil engineer student.....	86	183		183	9		9
Clerk ¹	671	9,022	629	9,651	302	5	307
Assistant.....	32	39	24	63	6	6	12
Computation.....					3	3	6
Draftsman.....	55	117	4	121	9		9
Forest.....					3		3
Isthmian Canal Service.....	50	136		136			
Minor.....	3	50	2	52	12		12
Clerk-carrier, Post Office Service ¹	1,765	36,837	3,324	40,161	8,204	395	8,599
Computing clerk.....	1	12	5	17			
Corn investigations, assistant in.....					1		1
Crop acclimatization, assistant in.....	6	7		7	1		1
Custodian, assistant.....	1	38		38			
Custodian-janitor, assistant.....	1	34		34	1		1
Dairyman.....					1		1
Dentist.....	25	38		38	1		1
Director, assistant.....					2		2
District inspector of locomotive boilers.....					1		1
District superintendent, Life-Saving Service.....					2		2
Draftsman—							
Architectural.....	33	45		45	3		3
Architectural, copyist.....					1		1
Architectural and structural steel.....	3	4		4	1		1
Electrical.....	1	13		13			
Electrical, copyist.....	5	12		12	3		3
Field ordnance.....							
First-class structural steel-work.....					2		2
Hull.....	11	12		12	4		4
Marine engine and boiler.....	6	35		35	7		7
Marine engine and boiler, assistant.....					1		1
Marine engine and boiler, copyist.....	7	44		44	7		7
Mechanical.....		70		70	20		20
Mechanical, copyist.....					1		1
Mechanical, Isthmian Canal Service.....	18	20		20			
Mining.....	7	7		7			
Ordnance.....	2	21		21	3		3
Ordnance, assistant.....	1	2		2			
Ordnance, copyist.....					1		1
Ship.....	40	103		103	22		22
Ship, copyist.....	33	126		126	29		29
Ship, third-class assistant.....					1		1
Structural.....	11	17		17	2		2
Structural steel.....	1	2		2			

¹ Figures subject to correction.² 5 appointed as customs inspectors.

TABLE 1.—Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
FIELD SERVICES—continued.							
For entrance—Continued.							
With educational test—Continued.							
Draftsman—Continued.							
Structural steelwork					3		3
Topographic and copyist							
topographic	128	364	42	406	20		20
Topographic, Isthmian Canal service	13	15		15			
Topographic, junior					1		1
Dry-land agriculture, assistant in					4		4
Dynamo tender	1	22		22	2		2
Egg and poultry handling, aid in	5	5		5			
Electrical assistant					1		1
Electrical expert aid	1	7		7	2		2
Electrician	9	24		24	5		5
Electrician's helper	11	26		26	1		1
Electrometallurgist		3		3	1		1
Elevator conductor	35	105		105	35	1	36
Elliott-Fisher machine operator						7	7
Engineer—							
Assistant, Interstate Commerce Commission		4		4			
And carpenter	3	3		3			
And plumber					1		1
Chief					1		1
Civil	86	123		123	4		4
Civil, Interstate Commerce Commission	139	543		543	143		143
Civil, junior	134	453		453	1		1
Civil, senior		867		867	46		46
Civil, and superintendent of construction	19	20		20	3		3
Draftsman, junior	13	14		14			
Drainage					1		1
Drainage, assistant	26	32		32	3		3
Electrical	57	117		117	2		2
Electrical, senior		71		71	1		1
Explosives, assistant	7	8		8			
First assistant					1		1
Forest products, assistant	8	12		12	2		2
Fuel, junior	7	8		8	1		1
Highway, senior					8		8
Hydroelectrical		16		16	1		1
Indian Service	42	49		49			
Junior					14		14
Logging					3		3
Mechanical	30	54		54	3		3
Mechanical, junior	19	20		20	1		1
Mechanical, junior, Interstate Commerce Commission	15	16		16			
Mechanical, office of Public Roads		11		11			
Mechanical, senior		50		50	4		4
Metallurgical		4		4	2		2
Mine, sanitary					2		2
Mining, junior	17	19		19	3		3
Mint and assay service	1	16		16			
Petroleum					2		2
Pulp and paper		2		2	1		1
Railway signal	31	46		46	1		1
Railway signal, junior	14	16		16			
Railway signal, senior		59		59	2		2
Reclamation Service, assistant	33	46		46			
Reclamation Service, junior	33	54		54			
Sanitary		19		19	2		2
Steam					15		15
Steam, second class	5	44		44	6		6
Steam, third class	12	47		47	8		8
Structural	24	32		32	2		2
Structural, junior	17	45		45			
Structural, senior		112		112	6		6
Telegraph and telephone, junior	52	99		99			
Telegraph and telephone, senior		228		228	3		3

TABLE 1.—Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
FIELD SERVICES—continued.							
For entrance—Continued.							
With educational test—Continued.							
Entomological assistant.....		24		24	1		1
Entomological ranger.....	17	29		29			
Expert and special agent.....	20	58		58			
Farmer.....	165	225		225	58		58
Farmer, expert.....	18	21		21			
Farm management, assistant in.....					2		2
Field forecast agent.....	67	140		140			
Fish culturist.....	23	29		29	9		9
Forest assistant.....	50	135		135	33		33
Forest and field clerk.....	55	91	10	101	13		13
Forest management, assistant in.....	10	14		14			
Forest ranger.....					146		146
Forest ranger, assistant.....	158	991		991			
Forger.....		1		1			
Game preservation, administrative assistant in.....							
General merchandise, examiner of.....	1	21		21	2		2
Geologic aid.....	36	86		86	11		11
Geologist, assistant.....	27	56		56	4		4
Gipsy moth work, assistant in.....	17	59		59			
Grain standardization, assistant in.....	9	10		10	2		2
Grazing assistant.....					4		4
Guard.....	113	226		226	25		25
Guard (marine gasoline engineer).....	3	4		4			
Helper, electrical.....					1		1
Herdsmen.....	8	9		9	1		1
Hospital interne.....	2	2		2			
Inspector of boilers.....	23	39		39	5		5
Inspector of car equipment.....	91	210		210			
Inspector of car equipment, senior.....		61		61	1		1
Inspector, food.....					2		2
Inspector, food and drug.....	74	331		331			
Inspector, forage.....	16	25		25	1		1
Inspector of furniture (clerk).....	22	42		42			
Inspector of hours of service.....	233	1,075		1,075			
Inspector of hull material, assistant.....	1	16		16			
Inspector of hulls.....	21	32		32	5		5
Inspector, immigrant ¹	230	1,731		1,731	18		18
Inspector, junior, Immigration Service.....	68	339		339			
Inspector, meat.....					25		25
Inspector of mechanical and electrical engineering.....	34	58		58	1		1
Inspector of motive power.....	121	264		264			
Inspector of motive power, senior.....		287		287			
Inspector, mounted.....					1		1
Inspector, oil and gas.....		10		10	2		2
Inspector, reservation, and district inspector.....	46	66		66			
Inspector of safety appliances.....	229	1,143		1,143	2		2
Inspector of shoes and leather.....	6	57		57	1		1
Inspector, telegraph and telephone.....		274		274			
Inspector's assistant.....	89	459		459	144		144
Interpreter.....	7	212		212	3		3
Irrigation manager.....		85		85	2		2
Junior aid.....					1		1
Laboratory aid.....				(²)	1		1
Laboratory aid and engineer.....	5	10		10	4		4
Laboratory assistant.....				(²)	6		6
Laboratory helper.....					2		2
Laboratory helper, junior.....	14	40		40	1		1
Laboratory helper, physical.....					2		2
Land appraiser, junior.....	52	121		121			
Land appraiser, senior.....		400		400	4		4
Land law clerk.....	87	177	11	188	3		3
Local agent.....					1		1
Machinist.....	1	10		10	1		1
Magazine attendant.....	3	8		8	4		4

¹ Figures subject to correction.² Examinations shown under departmental service.

TABLE 1.—*Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.*

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
FIELD SERVICES—continued.							
For entrance—Continued.							
With educational test—Continued.							
Malaria investigations, technical assistant in		7		7	2		2
Matron	83		125	125		56	56
Assistant	5		5	5			
Field	28		34	34		13	13
Immigration Service	1		5	5		5	5
Matron-interpreter	1		53	53			
Mechanician and laboratory assistant	2	2		2			
Messenger boy	87	1,144		1,144	190		190
Messenger-interpreter	2		7	7	1		1
Metallurgist		42		42	1		1
Assistant		14		14	1		1
Chief		12		12	1		1
Miner		30		30			
Navy yards—supervising artisans	14	160		160	14		14
Observer, assistant	90	119		119	14		14
Office helper (typewriter)	1	14	23	37	2	3	5
Opener and packer	2	82		82	15		15
Orchestra and band leader	10	17		17	1		1
Packer					14		14
Parole officer	2	7		7			
Pharmacist	16	18		18	1		1
Pharmacology, technical assistant in		2		2	1		1
Photographer, assistant					1		1
Physical laboratorian	3	10		10	2		2
Physician	41	62		62	38		38
Physicist, junior	2	2		2			
Policeman					1		1
Postal clerk, Isthmian Canal Service	8	10		10	1		1
Postmaster, fourth-class ¹	16,803	26,624	7,456	34,080	6,298	2,032	8,330
Powder, subinspector of	2	2		2			
Printer				(¹)	17		17
Radioelectrician	5	9		9	1		1
Radioinspector					1		1
Radiosubinspector	12	26		26	1		1
Railway-mail clerk ¹	827	27,464		27,464	2,889		2,889
Rate clerk, passenger, expert	10	11		11	2		2
Record examiner	21	41		41	9		9
Rural carrier ¹	2,868	29,348	1	29,349	2,595		2,595
Scaler	7	46		46	9		9
Scientific assistant, Department of Agriculture	232	538	41	579	38		38
Scientific assistant, Bureau of Fisheries	7	8		8			
Shipping commissioner, deputy	15	69		69	3		3
Soil biochemist				(¹)	1		1
Special agent	25	42	47	89	1	2	3
Special examiner, Indian Service		116		116			
Statistical field agent					2		2
Stenographer (see Stenographer and typewriter)					29	2	31
Stenographer and typewriter ¹	730	2,470	1,687	4,157	298	106	404
Subclerical positions ¹	195	3,661		3,661			
Subinspector	4	16		16	1		1
Subinspector, electrical	1	28		28			
Subinspector of engineering material					1		1
Subinspector of powder					1		1
Sugar, examiner of	1	8		8			
Sugar sampler	1	74		74	10		10

¹ Figures subject to correction.² In addition to these, 11,635 were appointed under the Executive order of May 7, 1913, requiring competitive examinations for the fourth-class post offices at which the incumbents had not been appointed under the regulations. Of this number 3,515 were certified by the commission and 8,120 were appointed on recommendation of post-office inspectors.³ Examinations shown under departmental service.

TABLE 1.—Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
FIELD SERVICES—continued.							
For entrance—Continued.							
With educational test—Continued.							
Superintendent of construction.					3		3
Superintendent of farm and transportation.					1		1
Superintendent of gas works.	12	14		14			
Superintendent, Indian reservation.		76		76	1		1
Superintendent of industries.	13	17		17			
Surgeon, mine, chief.		12		12			
Surveyor.	88	257		257	2		2
Surveyor-draftsman.	27	53		53			
Surveys, examiner of.	15	17		17	10		10
Tariff clerk.				(¹)	4		4
Teacher.	172	60	159	219	30	62	92
Teacher—							
Business.					1	1	2
Agriculture.	3	3		3			
Domestic science.	12		12	12		2	2
Housekeeping.	3		3	3		4	4
Kindergarten.	10		10	10		6	6
Manual training.	5	6		6	1		1
Mechanical drawing.	7	7		7	1		1
Metal working and mechanical drawing.	4	4		4	1		1
Vocal music.						1	1
Tea examiner, assistant.	1	2		2	1		1
Telegraph operator.	72	109	14	123	5		5
Telephone operator.	7	45	48	93	7	4	11
Timber cruiser.	28	39		39	1		1
Tobacco investigations, assistant in.					2		2
Topographer, junior.	44	66		66	11		11
Topographic aid.	37	62		62			
Trained nurse.	50	14	76	90	1	15	16
Transitman.	41	61		61	22		22
Typewriter (see Stenographer and typewriter).					175	19	194
Typewriter, minor.	13	69	93	162	22	91	113
Veterinarian.	207	425		425	150		150
Weigher, mint and assay service.	1	3		3			
Wireman.				(¹)	2		2
Total.		155,946	13,983	169,929	22,754	2,841	25,595
Without educational test—							
Axman.					1		1
Baker.		16	8	24		4	4
Band leader and athletic instructor.		1		1			
Band leader and instructor.		18		18			
Blacksmith and horseshoer.		6		6	4		4
Blacksmith and wheelwright.		6		6			
Carpenter.		150		150	47		47
Chauffeur.				(¹)	1		1
Civil-service districts—noneducational positions.		2,219		2,219			
Cook.		15	44	59	1	17	18
Dairyman.		13		13	4		4
Deckhand.					5		5
Depot keeper.					1		1
Electrical machinist.		28		28			
Electrician.					1		1
Engineer—							
Assistant.					12		12
Assistant marine.					3		3
Coast and Geodetic Survey, chief.		3		3			
Department at large—minor positions.		3,952	2	3,954	2,335		2,335
Light vessels, assistant.					1		1
Marine.					20		20
Marine gasoline.					5		5
Sawyer and general mechanic.					1		1

¹ Examinations shown under departmental service.

TABLE 1.—Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
FIELD SERVICES—continued.							
For entrance—Continued.							
Without educational test—Contd.							
Engineer—Continued.							
Second assistant.....					2		2
Stationary.....					7		7
Third-class steam.....					1		1
Enginemans.....					1		1
Fireman.....	53			53	14		14
Fireman, marine.....					39		39
First officer.....					1		1
Foreman.....					1		1
Foreman of horse breeding.....					1		1
Foreman of laundry.....					1		1
Foreman machinist, assistant.....					1		1
Gardener.....				(1)	3		3
Harnessmaker.....	5			5			
Indian irrigation and allotment service—minor positions.....	251			251	71		71
Instrument man.....					1		1
Junior janitor.....					1		1
Keeper.....					36		36
Keeper, assistant.....					99		99
Laborer in charge.....					2		2
Laundress.....			23	23		10	10
Lighthouse Service—minor positions.....	857	1		858			
Logger.....	3			3			
Machinist.....	89			89	1		1
Machinist, electrical.....					2		2
Mason.....	15			15			
Master.....					4		4
Master and pilot.....					1		1
Mate.....	2			2	26		26
Mate-carpenter.....					1		1
Mate of light vessel without motive power.....					1		1
Mechanic, general.....	7			7	2		2
Melter, mint and assay service.....					1		1
Mines—							
First aid.....					6		6
Foreman.....					6		6
Mounted caretaker.....					1		1
Navy yards—artisans.....	16,083			16,083	7,030		7,030
Needlewoman, expert.....		1		1		1	1
Oiler.....					16		16
Ordinance Department at large—minor positions.....	2,759	171		2,930	1,451	110	1,561
Packer.....					7		7
Painter.....				(1)	2		2
Plumber.....	50			50	1		1
Plumber and steamfitter.....					1		1
Public Health Service—minor positions.....	672	122		794	557	90	647
Quartermaster Corps, Philadelphia depot—minor positions.....	181	228		409	38	149	187
Reclamation Service—minor positions.....	1,440	4		1,444	1,014		1,014
Repairman.....					1		1
Road patrolman.....					1		1
Rodman and chainman.....	539			539			
Sawyer.....	2			2			
Second officer.....					8		8
Secret service, Treasury Department.....	347			347			
Shoe and harness maker.....	2			2			
Shoemaker.....	5			5	1		1
Surfman, Life-Saving Service.....	495			495	249		249
Tailor.....	8			8	2		2
Tinner.....					2		2
Water tender.....					1		1
Wheelwright.....	1			1			
Total.....		30,293	604	30,897	13,158	381	13,539
Total for entrance, field services.....		186,239	14,587	200,826	35,912	3,222	39,134

¹ Examinations shown under departmental service.

TABLE 1.—*Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.*

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
FIELD SERVICES—continued.							
For transfer, promotion, reinstatement:							
With educational test—							
Admeasurer and inspector.....	1	1	.....	1	1	.....	1
Apprentice, shop.....	1	1	.....	1	1	.....	1
Assistant—							
Custodian.....	3	4	.....	4	1	.....	1
Custodian-janitor.....	1	1	.....	1	.....	.....	.....
Examiner, Customs Service.....	1	10	.....	10	15	.....	15
Irrigation manager.....	.....	.....	.....	.....	1	.....	1
Blue printer.....	2	2	.....	2	.....	.....	.....
Blue-print operator.....	.....	.....	.....	.....	1	.....	1
Bookkeeper.....	.....	.....	.....	.....	1	.....	1
Civil engineer and draftsman.....	.....	.....	.....	.....	1	.....	1
Clerk.....	104	513	25	538	44	5	49
Assistant.....	.....	.....	.....	.....	1	2	3
Carrier.....	55	55	.....	55	40	.....	40
Draftsman.....	1	1	.....	1	1	.....	1
Editorial.....	.....	.....	.....	.....	1	.....	1
Isthmian Canal Service.....	1	1	.....	1	.....	.....	.....
Cotton-crop specialist.....	.....	1	.....	1	.....	.....	.....
District superintendent, Life-Saving Service.....	10	14	.....	14	.....	.....	.....
Draftsman—							
Architectural and structural steel.....	.....	.....	.....	.....	1	.....	1
Assistant marine engine and boiler.....	.....	.....	.....	.....	1	.....	1
Copyist topographic.....	3	3	.....	3	3	.....	3
Mechanical.....	2	2	.....	2	2	.....	2
Ordnance.....	.....	.....	.....	.....	1	.....	1
Ordnance, assistant.....	1	1	.....	1	.....	.....	.....
Ship.....	3	3	.....	3	2	.....	2
Structural steelwork.....	.....	.....	.....	.....	1	.....	1
Topographic.....	2	2	.....	2	1	.....	1
Electrical expert aid.....	3	3	.....	3	1	.....	1
Electrician.....	.....	.....	.....	.....	2	.....	2
Elevator conductor.....	.....	.....	.....	.....	2	.....	2
Engineer—							
Assistant.....	1	5	.....	5	6	.....	6
Chief.....	1	1	.....	1	1	.....	1
Civil.....	3	3	.....	3	5	.....	5
Civil, and draftsman.....	.....	.....	.....	.....	1	.....	1
Civil, and superintendent of construction.....	.....	.....	.....	.....	1	.....	1
Forest products.....	.....	2	.....	2	.....	.....	.....
Forest products, assistant.....	.....	2	.....	2	.....	.....	.....
Highway.....	.....	.....	.....	.....	1	.....	1
Highway, senior.....	.....	1	.....	1	.....	.....	.....
Hydroelectrical.....	.....	.....	.....	.....	1	.....	1
Junior.....	1	18	.....	18	7	.....	7
Junior civil.....	.....	.....	.....	.....	6	.....	6
Junior mechanical.....	.....	2	.....	2	1	.....	1
Junior, and draftsman.....	.....	.....	.....	.....	1	.....	1
Mining.....	.....	1	.....	1	.....	.....	.....
Second-class assistant steam.....	.....	.....	.....	.....	1	.....	1
Steam, third class.....	13	17	.....	17	3	.....	3
Examiner—							
Accounts.....	.....	.....	.....	.....	1	.....	1
General merchandise.....	1	2	.....	2	3	.....	3
Land descriptions.....	.....	1	.....	1	.....	.....	.....
Sugar.....	.....	.....	.....	.....	1	.....	1
Farmer.....	12	12	.....	12	5	.....	5
Farmer, expert.....	.....	.....	.....	.....	1	.....	1
Field forecast agent.....	.....	.....	.....	.....	1	.....	1
Fish-culturist.....	2	2	.....	2	.....	.....	.....
Foreman of refinery.....	2	2	.....	2	.....	.....	.....
Forest examiner.....	.....	1	.....	1	.....	.....	.....
Forest and field clerk.....	.....	.....	.....	.....	1	.....	1
Forest ranger.....	.....	.....	.....	.....	1	.....	1
Helper, Mint and Assay Service.....	3	3	.....	3	.....	.....	.....
Immigrant inspector.....	14	14	.....	14	22	.....	22

TABLE 1.—Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
FIELD SERVICES—continued.							
For transfer, promotion, reinstatement—Continued.							
With educational test—Continued.							
Inspector—							
Customs Service.....	2	6		6	4		4
Construction.....					1		1
Interstate Commerce Commission.....		1		1			
Lighthouse Service.....		1		1			
Mechanical and electrical engineering.....	1	1		1			
Trunk lockers.....		1		1			
Inspector's assistant.....	1	1		1	1		1
Interpreter.....					2		2
Junior inspector.....					3		3
Law clerk, stenographer, and typewriter.....					1		1
Lecturer on road economics.....			1	1			
Matron.....	12		12	12		7	7
Assistant.....	2		2	2			
Field.....	7		7	7			
Mechanical apprentice draftsman.....					1		1
Meteorologist.....		1		1			
Mineral technologist.....					1		1
Minor clerk.....					20	9	29
Money counter and handler.....		1		1			
Naturalization examiner.....		3		3	1		1
Observer, assistant.....	1	1		1	6		6
Physician.....					1		1
Post-office inspector.....	76	95		95	42		42
Railway mail clerk.....	124	134		134	52		52
Scaler.....	1	1		1	2		2
Scientific assistant in soil surveying.....					1		1
Special examiner.....		2		2			
Stenographer.....					2		2
Stenographer and typewriter.....	2	2		2	6		6
Stock examiner.....					4		4
Subclerical positions.....	19	23		23	14		14
Subinspector.....	1	1		1			
Superintendent—							
Construction.....	1	1		1	1		1
Industries.....	7	7		7			
Lighthouse Service.....	1	1		1			
Logging.....		1		1			
Surveyor.....	2	2		2	1		1
Surveyor-draftsman.....	1	1		1	1		1
Teacher.....	7	3	4	7			
Agriculture.....	2	2		2	1		1
Domestic science.....	1		1	1			
Housekeeping.....	4		4	4		1	1
Manual training.....	4	4		4			
Trained nurse.....	2		2	2			
Typewriter.....	15	67	12	79	20	1	21
Veterinarian.....	1	1		1			
Veterinary inspector.....	1	1		1			
Welgher.....	1	1		1	1		1
Xyotomy, assistant in.....	1		1	1		1	1
Total.....		1,074	71	1,145	387	26	413
Without educational test—							
Assistant—							
Foreman.....		1		1	1		1
Inspector.....					1		1
Superintendent.....					1		1
Superintendent of construction.....		1		1	1		1
Blacksmith.....		3		3	1		1
Bricklayer.....					1		1
Chief janitor.....		1		1			
Clerk.....					2		2
Cotton-crop specialist.....					1		1
Craneman.....					1		1
Cutter.....					1		1
Draftsman, mechanical.....					1		1
Elevator conductor.....					1		1

TABLE 1.—*Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.*

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
FIELD SERVICES—continued.							
For transfer, promotion, reinstatement—Continued.							
Without educational test—Contd.							
Engineer—							
Forest products					2		2
Forest products, assistant					1		1
Junior					14		14
Marine					2		2
Mining					1		1
Steam					2		2
Engineman, locomotive					2		2
Fireman	2			2	1		1
Foreman					2		2
Foreman packer	1			1			
Foreman packer, assistant	1			1			
Forest examiner					1		1
Harnessmaker	2			2			
Helper	1			1			
Inspector					13		13
Inspector, deputy					1		1
Instrument man					1		1
Lathe operator					1		1
Laundress			4	4			
Lumberman	1			1	1		1
Machinist					1		1
Mailbag inspector	1			1	1		1
Master	1			1	4		4
Mate					1		1
Melter	2			2	2		2
Meteorologist					1		1
Naturalization examiner					1		1
Overseer					1		1
Packer					1		1
Pipe fitter					1		1
Post-office inspector					2		2
Sheet-metal worker	1			1			
Special mechanic, ship fitter					1		1
Steam-roller operator					1		1
Steward					2		2
Storekeeper	1			1			
Superintendent of pier	1			1	1		1
Survey man					2		2
Surveyor					4		4
Telephone operator			2	2		1	1
Timekeeper					1		1
Tool grinder					1		1
Total		21	6	27	89	1	90
Total for transfer, etc., field services		1,095	77	1,172	476	27	503
Total, field services		187,334	14,664	201,998	36,388	3,249	39,637
DEPARTMENTAL SERVICE AT WASHINGTON.							
For entrance:							
With educational test—							
Agricultural education, assistant in		39		39	5		5
Agricultural technology, assistant in	8	18		18	2		2
Agricultural technology, mechanical assistant in					1		1
Aid					24		24
Smithsonian Institution	4	4		4	1		1
Bureau of Standards	37	69		69	11		11
Anatomist	5	6		6	1		1
Anesthetist		15		15	1		1
Animal husbandman		21		21	5		5
Animal husbandman, senior		1		1	1		1
Apprentice—							
Draftsman	7	13		13	6		6
Draftsman, advanced	11	26		26	3		3
Engraver, advanced	3	3		3	3		3

TABLE 1.—*Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.*

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
DEPARTMENTAL SERVICE AT WASHINGTON—continued.							
For entrance—Continued.							
With educational test—Continued.							
Apprentice—Continued.							
Map engraver	3	8		8			
Plate cleaner, transferrer, and engraver	4	13		13	2		2
Plate printer					15		15
Shop	10	28		28	2		2
Architect—							
Barn	7	9		9			
Farm, assistant	9	19		19			
Assistant chief					2		2
Bacteriologist—							
Chief		8		8			
Sanitary				(¹)	1		1
Bookbinder					5		5
Bookkeeper	168	570		570	24		24
Botanical laboratory work, assistant in	4	5		5			
Cataloguer					1		1
Chemist—							
Assistant				(¹)	19		19
Dairy					2		2
Government Printing Office	8	11		11			
Junior				(¹)	5		5
Pharmaceutical					1		1
Research		11		11			
Sanitary				(¹)	1		1
Chemistry—							
Aid, qualified in					1		1
Assistant chief, Bureau of		3		3			
Professor of		6		6	1		1
Chief of field service in rural education					1		1
Civil engineer student				(¹)	1		1
Clerk	555	2,086	1,007	3,093	29	49	78
Clerk, accounting and statistical					3		3
Clerk (typewriter repairer)					1		1
Computer, Coast and Geodetic Survey	11	17		17	2		2
Computer and estimator	19	34		34			
Computer, Nautical Almanac Office and Naval Observatory	18	22		22	9		9
Cooperative organization, specialist in		52		52	1		1
Cooperative organization accounting, assistant in		40		40	2		2
Cotton marketing, assistant in		58		58	3		3
Cottonseed marketing and utilization		34		34			
Curator, assistant, Division of Mineralogy and Pathology	2	2		2	1		1
Dairyman					1		1
Assistant					1		1
Market-milk investigations		11		11			
Dental interne					1		1
Director, assistant					1		1
Draftsman—							
Architectural				(¹)	2		2
Architectural, junior	10	12		12			
Architectural and structural steel				(¹)	1		1
Electrical				(¹)	1		1
Entomological		1		1			
Hull				(¹)	3		3
Marine engine and boiler, copyist				(¹)	2		2
Mechanical				(¹)	1		1
Mechanical, Office of Chief of Ordnance		69		69			
Mechanical, Patent Office	27	42		42			
Ordnance, copyist					1		1

¹ Examinations shown under Field Services.

TABLE 1.—Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
DEPARTMENTAL SERVICE AT WASHINGTON—continued.							
For entrance—Continued.							
With educational test—Continued.							
Draftsman—Continued.							
Ship.....				(1)	1		1
Ship, copyist.....				(1)	3		3
Topographic.....				(1)	2		2
Topographic, copyist.....				(1)	4	3	7
Dynamo tender.....	9	23		23	1		1
Economic ornithology, assistant in.....					1		1
Editorial clerk.....	42	69	41	110			
Electrician.....	80	208		208	1		1
Electrotypewriter finisher.....	2	3		3	1		1
Electrotypewriter-molder.....	5	5		5			
Elevator conductor.....	34	127		127	11		11
Engineer-draftsman.....	3	3		3	3		3
Engineer—							
Electrical, and draftsman.....	12	14		14			
Electrical, junior.....	53	76		76	2		2
Fuel, junior.....				(1)	1		1
Heating and ventilating.....					1		1
Heating and ventilating, and draftsman.....	12	14		14			
Mechanical.....				(1)	1		1
Mechanical and electrical.....					1		1
Railway signal, senior.....				(1)	1		1
Steam, second-class assistant.....					2		2
Structural, senior.....				(1)	1		1
Entomological assistant.....				(1)	1		1
Examiner of accounts.....				(1)	1		1
Examiner, assistant.....					20		20
Fireman.....	12	15		15	10		10
Geologist, assistant.....				(1)	2		2
Grain standardization, aid in.....	51	78		78	1		1
Grazing attendant.....					1		1
Guard.....				(1)	8		8
Horticulturist.....					1		1
Information—							
Assistant chief, office of.....		19		19			
Chief, office of.....		14		14	2		2
Instrument maker.....		18		18			
Laboratory aid.....	64	107	13	120	10		10
Laboratory apprentice.....	32	73		73	13		13
Laboratory assistant.....	151	198		198	27		27
Laboratory helper.....		9		9	9		9
Laboratory helper (candy making).....					1		1
Laboratory helper, junior.....				(1)	1		1
Laboratory helper, physical.....					2		2
Laboratory technician.....	9	17		17	1		1
Land law clerk.....				(1)	2		2
Law clerk, stenographer, and typewriter.....					1		1
Library assistant.....	5	18		18			
Library cataloguer.....	20	3	27	30		6	6
Library cataloguer, junior.....					1		1
Map colorist.....						2	2
Marketing perishable products, specialist in.....		54		54			
Mechanic.....		53		53	2		2
Mechanic, general.....	37	53		53	4		4
Medical assistant.....		36		36	1		1
Medical interne.....	23	51	3	54	8	2	10
Messenger boy.....		208		208	212		212
Model maker.....					2		2
Nautical expert.....	4	5		5			
Nurse.....							
Paper maker, practical.....					1		1
Paper-plant investigations, assistant in.....	5	5		5	1		1
Pathologist—							
Assistant.....		6		6			
In cereal diseases.....		3		3			
In cereal disease work.....					2		2
Pharmacologist, junior.....	10	11		11			

1 Examinations shown under Field Services.

TABLE 1.—Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
DEPARTMENTAL SERVICE AT WASHINGTON—continued.							
For entrance—Continued.							
With educational test—Continued.							
Pharmacology—							
Professor of.....		1		1	1		1
Technical assistant in.....				(1) 27	1		1
Philatelist.....	26		1		1		1
Photographer—							
Assistant.....					1		1
For plant specimens.....	5	5		5	1		1
Physicist, associate.....		58		58	8		8
Pipe fitter's helper.....					1		1
Plant histology, assistant in.....	5	8		8			
Plate cleaner.....					1		1
Plate printer.....					1		1
Poisonous-plant investigations, as-							
sistant in.....	2	2		2			
Preparator.....	25	24	21	45	4	3	7
Preparator, assistant.....	6	11		11	3		3
Press feeder.....	13	9	38	47	2	18	20
Pressman.....	21	53		53	12		12
Printer.....	47	158	6	164	24	3	27
Public roads, Assistant Director,							
Office of.....		19		19			
Quarry technologist.....		7		7	1		1
Record examiner.....				(1)	1		1
Refrigeration, assistant in.....					1		1
Road economics, assistant in.....	18	23		23	1		1
Scientific assistant.....				(1)	21	9	30
Seed warehouseman.....	9	17		17	5		5
Skilled laborer.....						229	229
Skilled laborer (painter).....					1		1
Soil biochemist.....		12		12	2		2
Special examiner.....					1		1
Statistical clerk.....	102	163	170	333	17	17	34
Statistical editor.....					1	1	2
Stenographer.....	417	694	197	891	26	2	28
Stenographer and typewriter.....	744	1,280	418	1,698	257	83	340
Stenographic clerk.....	64	66	71	137	1	1	2
Stereotypor.....	4	4		4	2		2
Subclerical positions.....	159	1,174		1,174	181	1	182
Superintendent of construction.....					1		1
Tariff clerk (railway tariffs) ¹	145	440		440	20		20
Telegraph operator.....				(1)	4		4
Telephone operator.....	27	6	106	112		7	7
Testing machine operator.....					2		2
Translator.....	21	29	10	39	1	1	2
Transportation of farm products,							
specialist in.....		30		30	1		1
Typewriter.....	477	915	292	1,207	140	17	157
Veterinarian.....				(1)	2		2
Wireman.....	46	105		105	3		3
Total.....		10,259	2,421	12,680	1,354	456	1,810
Without educational test—							
Awning maker.....		5		5			
Blacksmith.....	17			17	1		1
Cabinetmaker.....	22			22			
Canvas worker.....	5		1	6			
Carpenter.....				(1)	2		2
Chauffeur.....	21			21	2		2
Engraver—							
Script.....	3			3			
Square-letter.....	6			6			
Vignette.....	1			1			
Freedmen's Hospital—minor po-							
sitions.....	33		117	150			
Gardener.....	36			36	5		5
Government Hospital for the							
Insane—minor positions.....	278		131	409	147	93	240
Instrument man.....					5		5
Leather worker.....	4			4			
Lock fitter, junior.....	2			2			

¹ Examinations shown under Field Services.² Figures subject to correction.

TABLE 1.—Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
DEPARTMENTAL SERVICE AT WASHINGTON—continued.							
For entrance—Continued.							
Without educational test—Contd.							
Map printer, assistant.....		1		1			
Mechanician.....		6		6			
Negative cutter and lithographic helper.....		3		3			1
Painter.....		69		69	1		1
Pipe fitter's helper.....		40		40			1
Plate cleaner.....		3		3			
Plate printer.....		38		38			
Sewer.....			68	68		3	3
Tinner's helper.....		15		15	2		2
Toolmaker.....		4		4			
Total.....		612	317	929	166	96	262
For transfer, promotion, reinstatement:							
With educational test—							
Agriculturist.....		1		1			
Analyst.....					2		2
Assistant examiner.....					5		5
Bookkeeper, chief.....		1		1			
Chemist—							
Assistant.....					1		1
Junior.....	3	3		3			
Research.....		1		1			
Clerk.....					27	3	30
Junior.....		1		1			
Minor.....	28	183	18	201	51	9	60
Draftsman—							
Apprentice.....					1		1
Architectural.....	1	1		1			
Copyist, topographic.....					1		1
Heating and ventilating.....					1		1
Junior architectural.....					1		1
Mechanical.....					1		1
Dynamo tender.....	1	1		1	2		2
Editor, assistant.....		1		1			
Electrician.....	4	4		4	1		1
Elevator conductor.....					4		4
Engineer—							
Civil.....					1		1
Civil, and superintendent of construction.....	2	3		3	2		2
Draftsman.....	1	1		1			
First-class steam.....	5	6		6	1		1
Junior.....					1		1
Junior civil.....					1		1
Second-class assistant steam.....					1		1
Second-class steam.....	9	10		10	1		1
Examiner of accounts.....					1		1
Expert.....			1	1			
Geologist, associate.....		1		1			
Immigrant inspector.....					3		3
Laboratory technician.....					1		1
Land law clerk.....					1		1
Law clerk.....		6		6			
Law examiner.....		4		4			
Librarian.....		1		1			
Lithographic artist.....		1		1			
Monotype machinist.....	2	2		2	3		3
Pathologist—							
Assistant.....		1		1			
Senior.....		1		1			
Photographer, assistant.....	1	1		1			
Post-office inspector.....					7		7
Printer.....	1	1		1			
Scientific assistant, Department of Agriculture.....	2	2		2	3		3
Special agent.....		6	1	7			
Statistical expert.....		2	1	3			
Statistician, chief.....		1		1			
Stenographer.....	16	13	4	17	4	1	5
Stenographer and typewriter.....					2	2	4
Subclerical positions.....					3		3

TABLE 1.—Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
DEPARTMENTAL SERVICE AT WASHINGTON—continued.							
For transfer, promotion, reinstatement—Continued.							
With educational test—Continued.							
Superintendent of documents.....		1		1			
Surveyor.....					1		1
Taxidermist, assistant.....		1		1			
Telephone operator.....						1	1
Translator.....	1	1		1	1		1
Typewriter.....					18	1	19
Total.....		263	25	288	153	17	170
Without educational test—							
Acting storekeeper.....					1		1
Acting superintendent of documents.....					1		1
Agriculturist.....					1		1
Assistant editor.....					1		1
Carpenter.....					1		1
Chemist, dairy.....					1		1
Chief bookkeeper.....					1		1
Chief statistician.....					1		1
Clerk.....					3	1	4
Editorial.....					1		1
Junior.....						1	1
Draftsman, architectural.....					1		1
Elevator conductor.....	12			12	3		3
Engineer.....	1			1			
Junior mechanical.....					1		1
Second-class steam.....					1		1
Engraver.....	2			2	1		1
Expert.....						1	1
Immigrant inspector.....					1		1
Inspector of trunk lockers.....					1		1
Instrument maker.....	1			1			
Laborer.....	4			4			
Law clerk.....					6		6
Law clerk and assistant to solicitor.....					1		1
Law examiner.....					4		4
Librarian.....					1		1
Machinist.....	1			1	4		4
Machinist, assistant.....	1			1	1		1
Mechanic—							
General.....	2			2			
Special.....	1			1			
Mechanician.....	1			1	1		1
Metal pressman.....	1			1	1		1
Naturalization examiner.....	1			1	2		2
Pathologist—							
Assistant.....					1		1
Senior.....					1		1
Post-office inspector.....					1		1
Square-letter engraver.....					1		1
Statistical expert.....					2		2
Special agent.....					2	1	3
Taxidermist.....					1		1
Tinner and sheet-metal worker.....					1		1
Total.....		27		27	52	4	56
Total for transfer, etc., departmental service.....		290	25	315	205	21	226
Total, departmental service.....		11,161	2,763	13,924	1,725	573	2,298
Total for classified service.....	21,297	198,495	17,427	215,922	38,113	3,822	41,935
UNCLASSIFIED.							
Philippine Service:							
Agricultural inspector.....	14	18		18			
Architectural designer.....		4		4			
Assistant.....	98	133		133	21		21
Chief, department of medicine.....					1		1
Industrial teacher.....	41	49		49	4		4

TABLE 1.—*Number of examinations of each kind, number of persons examined, and number appointed during the year ended June 30, 1914—Continued.*

Kind of examination.	Examinations.	Examined.			Appointed.		
		Male.	Female.	Total.	Male.	Female.	Total.
UNCLASSIFIED—continued.							
Philippine Service—Continued.							
Organic chemist.....	3	1	1				
Physician.....	11	4	4				
Printer.....	77	15	15				
Stenographer and typewriter.....	177	91	91	3		3	
Teacher.....	5	197	67	264	15	15	
Trained nurse.....	1	5	5		1	1	
Veterinarian.....		1	1	1			
Total.....		513	72	585	44	1	45
Mere unskilled laborer:							
In Washington, D. C.....				417	174	591	
Outside Washington, D. C.....		8,619	707	9,326	2,343	91	2,434
		8,619	707	9,326	2,760	265	3,025
District of Columbia:							
Policeman.....	3	18	18				
Policeman, crossing.....	8	24	24				
Sanitary and food inspector.....	1	38	38				
Total.....	9	80	80				
For designation to military academy.....		140	140				
For designation to naval academy.....		87	87				
For entrance to naval academy.....		680					
For the consular and diplomatic service.....		182	182				

TABLE 2.—*Apportionment of appointments in the departmental service at Washington, D. C., from July 16, 1883, to June 30, 1914.*

State or Territory.	Appointments.			Separa- tions.	Net appoint- ments charged.
	Through exami- nation.	Through re-in- state- ment.	Through transfer, etc.		
1. Porto Rico.....	73	3	8	55	29
2. Alaska.....	8	1	1	3	2
3. Hawaii.....	24	.....	.....	15	9
4. Oklahoma.....	211	17	39	164	103
5. North Dakota.....	87	6	15	71	37
6. Texas.....	636	45	88	482	287
7. California.....	399	26	91	337	179
8. Arkansas.....	271	27	21	199	120
9. Montana.....	62	11	18	62	29
10. Louisiana.....	279	23	32	205	129
11. Alabama.....	369	46	36	284	167
12. Washington.....	171	12	29	113	99
13. Oregon.....	103	10	27	81	59
14. New Mexico.....	40	4	25	40	29
15. Mississippi.....	334	15	28	217	160
16. Florida.....	114	13	32	91	68
17. Utah.....	90	6	12	74	34
18. South Dakota.....	105	12	30	93	54
19. Missouri.....	697	57	100	534	320
20. Illinois.....	1,089	109	200	846	552
21. Georgia.....	506	59	102	411	256
22. South Carolina.....	284	23	52	209	150
23. Wisconsin.....	471	42	73	353	233
24. Michigan.....	576	51	88	430	285
25. Minnesota.....	385	36	90	298	213
26. Kentucky.....	435	38	85	317	241
27. Tennessee.....	416	55	92	333	230
28. North Carolina.....	392	39	94	290	235
29. Idaho.....	49	5	14	33	35
30. Arizona.....	33	4	18	32	23
31. Indiana.....	567	52	131	445	305
32. Iowa.....	527	58	106	433	268
33. New Jersey.....	532	50	71	356	297
34. Ohio.....	1,018	147	212	808	569
35. Nevada.....	12	1	6	9	10
36. Kansas.....	344	39	101	274	210
37. Nebraska.....	258	25	71	203	151
38. New York.....	2,196	228	441	1,709	1,156
39. Pennsylvania.....	1,666	160	364	1,214	978
40. Maine.....	193	21	38	157	95
41. New Hampshire.....	118	14	25	101	56
42. Connecticut.....	251	38	42	186	145
43. Colorado.....	179	16	51	141	105
44. West Virginia.....	198	32	79	143	161
45. Rhode Island.....	152	9	20	105	76
46. Wyoming.....	29	2	15	25	21
47. Massachusetts.....	1,061	66	143	757	513
48. Vermont.....	118	12	15	78	67
49. Delaware.....	72	2	15	47	42
50. Virginia.....	650	109	190	502	447
51. Maryland.....	684	109	189	520	462
52. District of Columbia.....	1,422	323	580	1,118	1,207
Total.....	20,946	2,308	4,445	16,003	11,696

TABLE 3.—*Changes in the executive civil service during the year ended June 30, 1914.*

[Changes in detail in the Post Office, Customs, and Internal-Revenue services are shown in Tables 6, 9, and 10.]

Department and subdivision of the service.	Appointments.										Separations.											
	Competitive positions.										Competitive positions.											
	Through examination.	By re-in- state- ment and reemploy- ment.		By transfer.	Temporary.	By change in status of positions.	By Executive order.	Total.	Excepted and noncompetitive positions.	Unclassified positions.	Grand total.	Removed.	Resigned.	Died.	Probationers dropped.	Furloughed, laid off, or suspended.	Temporary.	Temporary appointees probably appointed.	Total.	Excepted and noncompetitive positions.	Unclassified positions.	Grand total.
IN WASHINGTON, D. C. ¹																						
Department of State.....	15							21	12		33		13		2				15	6		21
Treasury Department.....	398	2	103	96	275		1	881	6	89	976	73	313	57	1		168	1	603	3	74	679
War Department.....	105			22	22		7	157	10	9	176	5	97	25			20	1	148	3	7	158
Navy Department.....	79		16	7	26		2	130	1	1	132	6	100	7			25	3	141	2		143
Post Office Department.....	65		8	43	102			218	15	27	260	10	168	18			84		280	7	13	300
Department of the Interior.....	247		52	172	108		3	582	19	63	664	18	431	56	1		115	2	623	8	53	684
Government Hospital for the Insane.....	259		22	1	88			370			370	123	146	2			113		474			474
Freedmen's Hospital.....	41		1		5			47			47	7	44	1			4		56			56
Department of Justice.....	11			3	27			45	12	3	60		14	2	1		23	2	42	7	2	51
Department of Agriculture.....	333		39	41	278		1	692	135	74	901	6	227	13			230		476	98	45	614
Department of Commerce.....	184		26	46	147		4	407	8	18	433	13	164	10			120	2	310	4	11	325
Interstate Commerce Commission.....	110		6	12	25		1	154	34	6	164		47	7			23	1	78	8	3	89
Civil Service Commission.....	40		9	9	75			133			133	1	37				50		88			88
Smithsonian Institution and bu- reaus.....	44		1	5	60			110	2	90	202	2	38	5		1	64	3	113	1	72	186
State, War, and Navy Depart- ment Building.....	9		1	4	4			18		14	32		24	6			2		32		8	40
Isthmian Canal Commission.....	9		5	2	30			46	2	5	53		13				27	2	40	1	4	54
Government Printing Office.....	175	1	40	30	146		1	383		26	419	38	136	46	1		180		401		26	424
Department of Labor.....	13		3	13	53			82	2	6	90	1	13	4			47		65	2	1	68
Total.....	2,137	3	342	512	1,471		21	4,486	288	431	5,175	310	2,025	261	4	2	1,185	207	3,994	144	316	4,454

TABLE 3.—Changes in the executive civil service during the year ended June 30, 1914—Continued.

Department and subdivision of the service.	Appointments.										Separations.														
	Competitive positions.										Competitive positions.														
	Through examination.		By re-instate-ment and reemploy-ment.		By transfer.	Temporary.	By change in status of positions.	By Executive order.	Total.	Excepted and noncompetitive positions.	Unclassified positions.	Grand total.	Removed.	Resigned.	Died.	Probationers dropped.	Furloughed, laid off, or suspended.	Temporary.	Temporary appointed.	Total.	Excepted and noncompetitive positions.	Unclassified positions.	Grand total.		
OUTSIDE WASHINGTON, D. C.—Continued.																									
Department of the Interior—Con-																									
Irrigation, allotment, and forestry branches.	71	48	2	81	202	19	221	1	39	55	81	176	28	204	1	39	55	81	176	28	204	1	39	55	81
Reclamation Service.	1,002	352	51	708	2,113	2	2,113	57	603	1	499	1,545	4	1,545	1	57	1	499	1,545	4	1,545	1	57	1	1,545
Geological Survey ¹ .	39	2	6	2	49	2	51	1	35	3	4	87	26	121	1	35	1	4	87	26	121	1	35	1	121
Bureau of Mines ² .	37	4	3	56	100	48	17	165	25	1	45	10	8	121	1	25	1	1	45	10	8	1	25	1	8
Department of Justice.	60	3	7	64	135	300	435	11	47	3	40	105	254	359	60	47	3	40	105	254	359	60	47	3	359
Department of Agriculture ³ .	889	114	22	763	1,788	3,695	412	5,895	20	675	30	1,349	3,019	4,743	889	675	30	624	1,349	3,019	375	1,349	3,019	375	4,743
Department of Commerce: ⁴																									
Census.	27	2		23	52	527	18	527	6	16	15	38	14	509	27	16	15	15	38	14	13	65	509	14	13
Fisheries.																									
Foreign and Domestic Com-merce.	2		1	4	7	21	28	28	1	1	4	5	18	23	2	1	1	4	5	18	5	18	1	13	23
Lighthouse Service.	231	35	2	120	388	41	429	61	173	5	103	399	36	405	231	173	5	103	399	36	405	36	36	405	405
Steamboat-Inspection Service.	11	1		16	16	15	16	16	12	1	2	15	15	15	11	12	1	2	15	15	15	15	15	15	15
Navigation Service.	6	1	1	11	19	14	15	16	3	1	11	15	14	29	6	3	1	11	15	14	15	15	15	15	29
Coast and Geodetic Survey.	5	2		9	9	3	12	12			2	1	1	5	5			2	1	1	1	1	1	1	5
Bureau of Standards.	9	1		9	19	9	23	23	5	1	8	13	4	18	9	5	1	8	13	4	8	13	4	5	18
Interestate Commerce Commission.	308	1	1	71	381	18	399	399	15	1	44	60	4	64	308	15	1	44	60	4	64	60	4	5	64
Civil Service Commission ⁵ .	6	2	7	15	15	15	15	15	7		7	7	7	7	6	7		7	7	7	7	7	7	7	7

Isthmian Canal Service ⁶	94	.....	24	9	59	.....	186	40	.....	226	31	281	1	.....	46	2	361	29	.....	390
Department of Labor:																						
Immigration and Natural-	111	10	24	57	2	204	41	32	277	15	81	12	61	1	170	38	19	227	
ization ⁷																						
Total.....	39,121	30	4,631	1,509	23,850	217	13	69,371	9,745	5,528	84,644	6,363	24,204	1,656	88	5,102	23,011	866	61,290	7,655	5,232	74,177
Grand total.....	41,258	33	4,973	2,021	25,321	217	34	73,857	10,003	5,959	89,819	6,673	26,229	1,917	92	5,104	24,196	1,073	65,284	7,799	5,548	78,631

¹ 452 temporary appointments were made for brief periods in the Geological Survey in addition to those tabulated.

² Several hundred temporary appointments were made for brief periods in the Bureau of Mines in addition to those tabulated.

³ Other temporary appointments were as follows: Forest Service, 24,208; experiment stations, 615; Weather Bureau, 16; Bureau of Plant Industry, 629; Bureau of Entomology, 5,951; Bureau of Animal Industry, 87; Bureau of Biological Survey, 128. These employments were either for mere laborers' work or to positions excepted under Schedule A; those in the Forest Service under Subdivision IX, paragraph 3, and in the other bureaus under Subdivision I, paragraph 12. Each employment was for a brief period and in many cases the same persons were employed and counted several times.

⁴ Includes all bureau employees of field services although actually located in Washington, D. C. Temporary employments in addition to those tabulated were made as follows: Lighthouse Service, under Schedule A, Subdivision I, paragraph 12, 4,538; Bureau of Fisheries, under Schedule A, Subdivision XI, paragraph 1, 4,063, each person being counted for each month employed; Coast and Geodetic Survey, 1,512.

⁵ Expert examiners not in the Federal service numbered 17. (Act of Mar. 14, 1911.)

⁶ Of the 40 appointments to excepted or noncompetitive positions 16 were appointed without examination in the absence of eligibles.

⁷ In the Immigration Service in addition to those tabulated, interpreters, watchmen, guards, and public stenographers for brief periods in emergency, were employed temporarily to the number of 2,086.

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TABLE 4.—*Showing changes in the substitute force of the Railway Mail Service during the year ended June 30, 1914.*

Number on roll June 30, 1913.....	2,066
Appointments:	
Through examination and certification.....	5,027
By transfer.....	48
By reinstatement.....	55
	<hr/> 5,130
	<hr/> 7,196
Separations:	
Removed.....	33
Resigned.....	437
Died.....	3
Declined.....	1,032
Canceled.....	3
Appointed (to regular force).....	2,938
	<hr/> 4,446
Number on roll June 30, 1914.....	<hr/> 2,750
	<hr/> 7,196

TABLE 5.—Changes for the fiscal year ending June 30, 1914, in the post offices of cities having a population of 75,000 or over; also total number of changes in all other classified post offices.

[Census of 1910.]

Post office.	Appointments.										Separations.														
	Competitive positions.										Competitive positions.														
	Through exam-ination.		By re-instate-ment.		By change in status of positions.		Total.	Excepted.	Unclassified positions.	Grand total.	Removed.		Misd.	Probationers dropped.	By transfer.	Temporary.	Temporarily appointed pro-portionally appointed.	By change in status of positions.	Total.	Excepted positions.	Unclassified positions.	Grand total.			
	Male.	Female.	Carrier.	Total.		Soldiers, sail-ors, etc.	Civilians.	By transfer.	Temporary.	By change in status of positions.	Total.	Excepted.	Unclassified positions.	Grand total.	Removed.	Misd.	Probationers dropped.	By transfer.	Temporary.	Temporarily appointed pro-portionally appointed.	By change in status of positions.	Total.	Excepted positions.	Unclassified positions.	Grand total.
Albany, N. Y.	7		9	13			2			176	15		2	21	2	30	2					8		9	15
Atlanta, Ga.	46	13	35	67			2	3			265	18	5	288	49	24	4					264	18	5	275
Baltimore, Md.	67		19	87			2	4			72	20	10	102	13	24	1					48	21	1	77
Birmingham, Ala.	3		19	22			2	3		61	88	6		94	2	2	1					68	21	4	93
Boston, Mass.	50		50	100			15	13		138	216	49	17	282	24	48	27					403	47		450
Bridgeport, Conn.	19		16	35			1				36			40	3	3						7			19
Brooklyn, N. Y.	89	1	98	188			13	8		29	237	29	34	300	11	42	16					103	18	13	134
Buffalo, N. Y.	14	1	12	27			2	7			36	15	6	57	2	12	2					19	15	1	35
Camden, N. J.	2		5	7						6	14			21		2						10			15
Chicago, Ill.	638	1	181	819			101	15		2	938	64	62	1,064	63	477	48	13				637	52	35	724
Cincinnati, Ohio.	31		29	62			6	6		11	82	8	4	94	4	13	4					39	12	2	53
Cleveland, Ohio.	42		29	71			6	7		163	147	19	3	169	22	22	2					91	18		109
Columbus, Ohio.	2		16	18			3	1			22			28	6	6						19			19
Dallas, Tex.	32		34	66			4	2		120	94	7	1	102	29	29						82	6	1	89
Dayton, Ohio.	13		14	27			3	4			29			45	8	8						11			18
Denver, Colo.	9	1	10	20			1	12		131	160	11	2	180	11	7						161	11		171

1 Includes 1 stenographer and typewriter.

* Includes 1 appointment through printer examination, 1 through carpenter examination, and 1 through subclerk examination.

* Includes 1 substitute carrier reinstated by Executive order, Oct. 23, 1913.

* Includes 1 by consolidation of Englewood, Colo., post office, June 30, 1913.

TABLE 5.—Changes for the fiscal year ending June 30, 1914, in the post offices of cities having a population of 75,000 or over; also total number of changes in all other classified post offices—Continued.

Post office.	Appointments.										Separations.									
	Competitive positions.										Competitive positions.									
	Through exam-ination.					By re-instate-ment.					Removed.					By transfer.				
	Clerk.		Carrier.			Soldiers, sal-ors, etc.		Civilians.			Temporary.		By change in status of positions.			Probationers dropped.		Died.		
	Male.	Female.	Male.	Female.	Carrier.	Total.	Total.	Total.	Total.	Total.	By change in status of positions.	Temporary.	Temporarily appointed.	By change in status of positions.	Total.	By transfer.	Probationers dropped.	Died.	Removed.	Grand total.
Des Moines, Iowa.....	10		6		19	76	3	79	1	16	1	52	1	1	70	1		1	1	73
Detroit, Mich.....	89	1	80		170	661	30	703	5	54	5	468	1	5	538	5		5	2	556
Fall River, Mass.....	2		5		7	11	1	12		1		4			6	3		3		9
Grand Rapids, Mich.....	27		19		46	56	8	64	2	6	2	4		1	16	1		1		22
Hartford, Conn.....	9		8		17	21	1	22	3	1	1	1		1	5	1		1		6
Houston, Tex.....	8		7		15	50	1	51	9	9	2	27		1	44	2		1		45
Indianapolis, Ind.....	22	3	26		51	248	20	268	4	24	3	192	2	5	277	5		12		245
Jersey City, N. J.....	16		13		29	97	10	107	1	11	1	71		4	83	4		6		90
Kansas City, Kans.....	3		10		13	63	8	70	1	3	1	48		4	56	5		1		61
Kansas City, Mo.....	4	2	20		73	252	13	267	3	14	1	165		12	195	9		2		206
Lawrence, Mass.....	3		6		9	10	3	13	1	3	1	388		19	445	4		32		480
Los Angeles, Cal.....	27		14		28	41	5	46	5	15	2	2		2	24	5		2		29
Louisville, Ky.....	14		14		8	23	1	24	1	1	1	15		1	19	2		1		21
Lowell, Mass.....	4		4		8	15		15		2		51		3	54	2		2		54
Lynn, Mass.....	11		20		31	239	11	250		1		10		3	19	1		1		21
Memphis, Tenn.....	19		4		23	31	5	36	3	12	1	88		3	30	11		2		41
Milwaukee, Wis.....	31	2	18		51	69	16	85	3	5	1	108		2	131	16		3		147
Minneapolis, Minn.....	36		34		70	189	15	204	2	21	4	15		2	221	9		3		230
Nashville, Tenn.....	10		10		19	41	2	43	2	11	1	208		1	221	1		1		230
Newark, N. J.....	25		40		65	246	12	260	3	6	2	22		1	23	2		1		33
New Bedford, Mass.....	5		8		13	13	2	15		1	1	22		1	29	3		3		32
New Haven, Conn.....	14		14		18	44	3	47	1	1	1	47		1	50	4		2		54
New Orleans, La.....	16		33		49	98	9	107	2	14	6	207		35	29	9		9		91
New York, N. Y.....	7	561	230		791	1,077	86	1,163	59	201	74	47	2	4	1,188	4		3		667
Oakland, Cal.....	8		1		15	1,108	10	1,118	1	4	1	85		2	92	2		6		98

Omaha, Nebr.....	20	18	38	1	7	1	47	2	49	1	11	2	2	7	23	23
Pateron, N. J.....	4	6	10	1	1	1	10	29	11	1	1	1	1	1	5	6
Philadelphia, Pa.....	818	1	19	7	9	216	251	29	285	29	48	28	8	207	320	361
Pittsburgh, Pa.....	979	41	121	5	347	1	474	19	499	12	26	12	4	347	401	416
Portland, Ore.....	1	21	23	3	9	1	36	19	4	59	1	2	4	1	19	38
Providence, R. I.....	32	1	27	3	2	1	42	16	48	4	15	4	1	1	24	30
Reading, Pa.....	11	15	15	1	37	1	19	1	21	1	4	1	1	1	8	9
Richmond, Va.....	15	23	37	2	1	3	78	8	89	6	4	4	1	3	51	59
Rochester, N. Y.....	20	14	34	1	2	76	113	4	127	1	5	3	2	76	85	91
St. Joseph, Mo.....	4	4	4	2	1	1	10	4	14	2	1	1	2	4	4	4
St. Louis, Mo.....	1012	63	75	9	9	85	178	19	202	24	38	9	6	85	102	183
St. Paul, Minn.....	1126	14	40	2	4	54	100	3	103	3	11	3	2	54	73	77
Salt Lake City, Utah.....	8	2	9	1	6	4	30	2	32	1	4	2	1	4	17	22
San Antonio, Tex.....	20	3	23	1	4	1	27	3	30	2	5	1	3	3	30	33
San Francisco, Cal.....	22	1	30	53	1	16	419	15	438	9	22	1	1	352	383	397
Scranton, Pa.....	21	1	22	2	1	2	25	8	33	4	4	1	1	4	10	14
Seattle, Wash.....	17	1	33	5	2	21	81	13	96	1	15	1	2	21	40	53
Spokane, Wash.....	7	5	12	1	8	2	25	8	35	2	10	2	2	17	31	43
Springfield, Mass.....	6	11	17	2	2	157	21	2	23	4	4	1	1	157	160	164
Syracuse, N. Y.....	3	3	9	5	2	1	166	5	1	172	3	3	1	1	4	5
Tacoma, Wash.....	1	4	5	1	4	3	5	6	11	1	3	1	1	1	6	9
Toledo, Ohio.....	15	14	29	1	4	27	37	9	4	50	1	1	1	4	29	38
Trenton, N. J.....	5	7	12	1	1	14	40	1	1	42	2	1	1	1	31	32
Troy, N. Y.....	8	4	8	1	1	17	22	1	22	1	1	1	1	14	16	16
Washington, D. C.....	1227	1	29	57	5	17	263	20	287	9	48	5	19	184	265	284
Washington, Del.....	2	7	9	1	31	12	40	5	45	3	1	1	1	31	35	38
Wilmington, Del.....	24	12	36	18	5	6	48	1	49	2	4	1	1	6	8	14
Worcester, Mass.....	3	15	18	1	5	1	30	9	39	1	1	1	1	1	6	7
Yonkers, N. Y.....	3	10	13	1	1	1	14	1	14	5	3	1	1	1	9	9
Youngstown, Ohio.....	3	10	13	1	1	1	14	1	14	5	3	1	1	1	9	9
Total.....	2,451	27	1,606	3	306	490	8	9,319	771	332	10,422	409	1,532	22	440	7,216
Grand total.....	1,846	368	2,301	4,515	2	106	416	3,278	490	30	9,044	310	1,576	122	5	6,023
Grand total.....	4,297	395	3,907	8,599	5	412	906	7,706	1,261	362	19,466	719	3,108	436	27	42,13,239
Grand total.....																1,004
Grand total.....																182
Grand total.....																14,425

1 Includes 1 by Executive order, Feb. 25, 1913.

2 Includes 1 by consolidation of Grosse Point Farms, Mich., post office, Jan. 14, 1914.

3 Stenographers and typewriters.

4 Includes 8 appointments through subclerical examination.

5 Includes 1 by consolidation of Highland Park, Ky., post office, July 15, 1913.

6 Office reestablished, Sept. 1, 1913.

7 Includes 1 appointment through printer examination; 2 stenographers, 1 through stenographer and typewriter examination; 1 by Executive order, Dec. 18, 1913.

8 Includes 1 appointment through subclerical examination and 1 through stenographer and typewriter examination.

9 Includes 1 by consolidation of Aspinwall, Pa., post office, July 3, 1913.

10 Includes 2 appointments through printer examination; 2 through subclerical examination.

11 Includes 9 appointments through subclerical examination.

12 Includes 1 appointment through subclerical examination.

1 Includes 1 by stenographer and typewriter examination and 1 through physician examination; 1 by Executive order.

TABLE 6.—*Clerks and substitute clerks, carriers and substitute carriers, other competitive employees, and excepted and unclassified positions in each of 10 of the largest post offices having receipts of \$3,000,000 at the close of the fiscal year, June 30, 1914.*

Post office.	Classified competition.							Ex-cepted.	Un-classified.	Grand total.	
	Clerks. ¹	Sub-sti-tute clerks.	Total clerical force.	Car-riers.	Sub-sti-tute car-riers.	Total car-rier force.	Other em-ploy-ees.				Total com-peti-tive.
New York.....	5,187	218	5,405	2,657	647	3,304	² 10	8,719	258	384	9,361
Chicago.....	3,625	243	3,868	1,988	430	2,418	³ 12	6,298	297	282	6,877
Philadelphia.....	1,424	154	1,578	1,206	280	1,486	⁴ 3	3,067	163	57	3,287
Boston.....	1,530	290	1,820	1,377	447	1,824	⁵ 3	3,647	209	70	3,926
St. Louis.....	901	45	946	649	119	768	⁶ 4	1,718	87	57	1,862
Brooklyn.....	594	72	666	1,040	252	1,292	⁷ 1	1,959	159	46	2,164
Pittsburgh.....	517	52	567	505	105	610	⁷ 1	1,178	86	17	1,281
Cleveland.....	428	29	457	430	107	537	-----	994	65	11	1,070
San Francisco.....	478	49	927	360	49	409	⁷ 1	1,337	59	30	1,426
Detroit.....	411	90	501	379	164	543	⁷ 1	1,045	64	18	1,127

¹ Includes one assistant postmaster.² Seven printers and 3 mechanics.³ Two printers, 5 mechanics, 2 carpenters, and 3 oilers.⁴ Mechanics.⁵ One printer, 1 mechanic, and 1 carpenter.⁶ Three printers and 1 mechanic.⁷ Mechanic.

TABLE 7.—Changes, by district, in the Customs Service (Treasury) during the fiscal year ended June 30, 1914.

District.	Appointments.										Separations.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
	Competitive positions.					Excepted and noncompetitive positions.					Competitive positions.					Excepted and noncompetitive positions.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
	Through examination.	By re-instatement and re-employment.				Total.	By Executive order.	By change in status of positions.	Temporary.	By transfer.	Soldiers, sailors, etc.	Civilians.	Removed.	Resigned.	Died.	By transfer.	Temporary.	Temporarily appointed.	Total.	Removed.	Resigned.	Died.	By change in status of positions.	Total.	Removed.	Resigned.	Died.	Total.	Unclassified positions.	Grand total.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
		By re-instatement and re-employment.		By transfer.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									

TABLE 7.—Changes, by district, in the Customs Service (Treasury) during the fiscal year ended June 30, 1914—Continued.

District.	Appointments.										Separations.																
	Competitive positions.										Excepted and noncompetitive positions.																
	Competitive positions.										Competitive positions.																
	By re-instatement and re-employment.										By change in status of positions.																
	Through examination.	Soldiers, sailors, etc.	Civilians.	By transfer.	Temporary.	By change in status of positions.	By Executive order.	Total.	Excepted and noncompetitive positions.	Grand total.	Removed.	Resigned.	Died.	By transfer.	Temporary.	Temporarily appointed.	Total.	Removed.	Resigned.	Died.	By change in status of positions.	Total.	Removed.	Resigned.	Died.	Total.	Grand total.
Galveston.	9	1	1	1	14		19	1	25	2	1		1	89		95	10	9	1		1	19				1	96
Laredo.	1	1			2		6		25	19	1			2		13	10	9				1					32
El Paso.	1						1		11	1	1					4	1					6					15
Eagle Pass.	1				2		3		13	9				4		5	3	8				1					12
Arizona.					4		5		5	2				1		5	1	5									6
Southern California.				1	4		5		7	8				1		15	1	4				5					20
San Francisco.	12		1	2	14		30		33	11	1			13	1	48						3			3		51
Oregon.	2		1	3	8		10		12	5	2			8		19	1					2					19
Washington.	5			1	7		13		15	2	2			11	2	24	3	1	1			31					26
Alaska.			1		1		2		6					1		3	31					2					34
Hawaii.	1				12		13		24					14		16	2	2				2			3		24
Montana and Idaho.	2						3		3							4	4					3					4
Dakota.	2				1		3		3					1		1	1					1					4
Minnesota.					2		2		2					2		3	3					3					3
Duluth and Superior.	5		1		4		10		19	1	1			3		7	1					2					9
Wisconsin.						1			1							3	2	2			1	3					4
Michigan.	7		1	1	11		19		26	7	5			22		35	7	1				8					43
Chicago.	1		2	1	9		13		16	2	1		2	16		31	1	1	1			2					34
Indiana.	1						1		1	1				14		21	1					1					1
Ohio.	5				14		19		22	3	4			1		1	1					3					24

Kentucky.....	1	3	2	4	104	712	202	157	96	34	397	14	900	102	41	3	1	147	72	23	18	113	1,160					
Tennessee.....	2	3	4	5	1	6	1	1	1	1	4	3	3	3	3	1	2	3	1	1	1	1	4					
Iowa.....	1	2	3	10	1	10	1	2	1	1	5	2	9	3	3	1	1	4	1	1	1	1	7					
St. Louis.....	1	2	2	4	1	4	1	1	2	1	5	2	3	1	1	1	1	4	1	1	1	1	9					
Omaha.....	2	1	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1	1	4					
Colorado.....	1	1	1	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1	1	1	1	1	2					
Utah and Nevada.....	1	1	1	14	1	15	1	6	2	1	2	2	11	2	2	2	2	2	2	2	2	2	12					
Porto Rico.....	1	1	1	1	2	2	2	2	2	2	1	1	2	2	2	2	2	2	2	2	2	2	2					
Board of General Appraisers.....	1	1	1	1	2	2	2	2	2	2	1	1	3	2	2	2	2	2	2	2	2	2	5					
Agents, inspectors, etc.....	1	1	1	1	2	2	2	2	2	2	1	1	3	2	2	2	2	2	2	2	2	2	5					
Total.....	145	1	37	34	369	1	2	589	104	19	712	202	157	96	34	397	14	900	102	41	3	1	147	72	23	18	113	1,160

NOTE.—The above table corresponds to Table 9 in the Thirtieth report. The change in form is due to the reorganization of the Customs Service, effective July 1, 1913, by which the entire country was included in 49 customs districts, each with clearly defined limits, and all ports were included in one or another of these districts and subjected to the control and supervision of the collector appointed for the district. Prior to this reorganization there were 129 customs districts and 38 independent ports.

TABLE 8.—Changes, by district, in the Internal Revenue Service (Treasury) during the fiscal year ended June 30, 1914.

District.	Appointments.						Separations.																
	Competitive positions.						Competitive positions.						Excepted and noncom- petitive positions.				Grand total.						
	Through examination.		By re-in- statement and reem- ployment.		By transfer.		Temporary.		By Executive order.		Total.	Removed.	Resigned.	Died.	By transfer.	Temporary.		Temporary appointees probably ap- pointed.	Total.	Removed.	Resigned.	Died.	Total.
	Soldiers, etc.	Civilians.	Soldiers, etc.	Civilians.	Soldiers, etc.	Civilians.	Soldiers, etc.	Civilians.	Soldiers, etc.	Civilians.													
Alabama.....	4						10					14	1	1	1	12		20	1	2		3	23
Arkansas.....	8						16					9	1	1	1	16		5	4			4	4
First California.....		4			2							25	30					46	1	3		2	4
Sixth California.....												9	2	2	1			5	9	1		4	
Colorado.....	1				3		2					13	6			1		19	2	2		2	23
Connecticut.....	2	1					4					23	7	7				30	10	8		4	4
Florida.....	1	1					5					16	23	5	1	15		21	21	4		1	4
Georgia.....	1	2					12					36	10	4		3		27	2	1		4	8
Hawaii.....	1	2					7					1	1			1		3	7	2		1	9
First Illinois.....	1	1			6		1					21	4			2		3	4	2		4	7
Fifth Illinois.....	2						3					6	3			1		9	10	1		1	14
Eighth Illinois.....	2						2					17	2	2		1		10	4	2		4	9
Thirteenth Illinois.....							1					8	4			4		14	2	2		2	11
Sixth Indiana.....					1		3					16	1	1		1		15	1	1		1	11
Seventh Indiana.....	1						5					21	7	3		3		16	16	1		16	16
Third Iowa.....	2				11		5					50	13	8		2		28	28	3		3	32
Fourth Iowa.....	1						2					18	9	1		5		13	13	2		2	16
Kansas.....	2						1					11	1			1		8	8			8	63
Second Kentucky.....	18						16					33	34			13		5	35	2	26	28	83
Fifth Kentucky.....	49	2			2		113					67	5	2		12		6	155	2	1	3	158
Sixth Kentucky.....	13						5					26	18	10		27		82	20	20		2	59
Seventh Kentucky.....	8				1		4					10	4	6		4		36	57	3		8	85
Eighth Kentucky.....	3	3					56					29	13	16		5		6	77	7	2	1	8
Louisiana.....	1	1					3					89	2	18		2		1	7	6	5	1	13
Maryland.....					1		1					6	1	2		5		11	7	6	6	3	13
Massachusetts.....					2		2					15	1	1		1		10	2			1	11
Third Massachusetts.....	3						1					19	2	1		2		12	10	3		9	23
First Michigan.....							2					16	2			7		2	2			1	11

[illegible]

¹ By consolidation of fourth with third district. Aug. 1. 1913.

2 Two by consolidation of fourth with third district, Aug. 1, 1913.

3 By reestablishment of the district of South Carolina, detached from fourth district of North Carolina, Sept. 1, 1913.

• One by reassignment of district soldiers, detached from units of Northern Caucasus, Serb. 1, 1940

TABLE 9.—*Separations from classified competitive positions by branches of the service by fiscal years from 1907 to 1914, inclusive.*¹

Branch of service.	1907				1908				1909			
	Removed.	Resigned.	Died.	Competitive positions at end of fiscal year.	Removed.	Resigned.	Died.	Competitive positions at end of fiscal year.	Removed.	Resigned.	Died.	Competitive positions at end of fiscal year.
Miscellaneous*.....	1,869	4,833	428	72,094	1,810	4,340	462	74,207	1,663	4,655	486	80,497
Post Office*.....	824	8,550	531	95,866	797	4,899	538	102,127	927	5,159	691	122,711
Customs.....	60	243	114	5,990	14	192	78	6,244	43	137	104	6,236
Internal Revenue.....	63	146	39	3,212	56	137	62	3,194	77	108	41	3,331
Government Printing Office.....	540	247	40	3,485	120	239	33	3,614	82	201	35	3,663
Railway Mail.....	135	724	96	14,212	76	454	74	15,230	74	369	90	15,967
Indian.....	17	647	6	2,069	15	568	8	2,027	9	524	6	2,535
Total.....	3,508	15,289	1,254	196,918	2,888	10,829	1,255	206,643	2,875	11,153	1,453	234,940
	1910				1911				1912			
	Removed.	Resigned.	Died.	Competitive positions at end of fiscal year.	Removed.	Resigned.	Died.	Competitive positions at end of fiscal year.	Removed.	Resigned.	Died.	Competitive positions at end of fiscal year.
Miscellaneous*.....	1,624	5,287	528	63,669	1,865	5,634	474	66,994	2,125	5,614	443	67,199
Post Office*.....	1,047	7,546	678	125,716	1,011	7,093	759	128,155	890	6,377	755	115,905
Customs.....	144	233	110	6,467	100	207	115	6,443	77	193	110	6,450
Internal Revenue.....	73	131	71	3,326	44	97	83	3,428	44	120	52	3,485
Government Printing Office.....	124	142	38	3,626	66	130	52	3,623	45	121	38	3,566
Railway Mail.....	76	493	121	16,956	160	619	85	17,428	227	552	86	18,297
Indian.....	20	476	9	2,518	34	399	9	2,513	14	399	13	2,490
Total.....	3,108	14,308	1,555	222,278	3,280	14,179	1,577	228,584	3,422	13,376	1,497	217,392
	1913				1914				Total.*			
	Removed.	Resigned.	Died.	Competitive positions at end of fiscal year.	Removed.	Resigned.	Died.	Competitive positions at end of fiscal year.	Removed.	Resigned.	Died.	Competitive positions at end of fiscal year.
Miscellaneous*.....	1,487	19,063	472	85,084	1,120	13,248	540	88,857	26,404	84,718	6,400	117,522
Post Office*.....	1,281	10,105	1,029	161,846	4,929	11,399	1,079	165,646	16,572	83,409	8,705	108,686
Customs.....	87	213	86	6,425	202	191	96	6,114	1,923	2,728	1,466	6,117
Internal Revenue.....	70	241	64	3,523	264	434	48	3,042	1,831	2,329	710	4,870
Government Printing Office.....	45	151	37	3,647	38	136	46	3,639	2,211	2,522	622	5,355
Railway Mail.....	74	423	71	19,620	104	421	96	22,679	1,536	6,951	1,375	9,862
Indian.....	18	403	9	2,452	16	400	12	2,483	402	6,975	144	7,521
Total.....	3,062	30,599	1,778	282,597	6,673	26,229	1,917	292,460	50,879	189,632	19,422	259,933

¹ For separations prior to 1907, see previous reports.

* Includes all parts of the service other than those given separately in the table.

* Includes all parts of the field service other than the Railway Mail Service.

* The totals include all separations beginning with the fiscal year 1898.

TABLE 10.—Positions by status on July 1, 1913, additions by appointments, etc., and subtractions by separations, etc., during the fiscal year, and number on June 30, 1914.

	Classified competitive positions.			Excepted and noncompetitive positions.			Unclassified positions.			Total June 30, 1914.	
	July 1, 1913.	Additions.	Subtractions.	June 30, 1914.	July 1, 1913.	Additions.	Subtractions.	June 30, 1914.	Presidential.	All others.	Total.
IN WASHINGTON, D. C.											
White House.....	184	21	15	190	34	12	6	34	3	37	37
State Department.....	6,930	881	603	7,208	74	6	2	80	4	274	279
Treasury Department.....	2,130	157	148	2,139	37	6	2	41	5	7,792	7,817
War Department.....	1,152	130	141	1,141	25	10	3	32	26	2,259	2,286
Navy Department.....	1,459	4	.....	1,463	10	1	2	9	7	1,152	1,154
Post Office Department.....	4,673	582	623	4,632	10	137	1	10	2	1,640	1,640
Interior Department.....	735	370	474	631	120	19	8	131	6	5,032	5,052
Government Hospital for the Insane.....	122	47	56	113	3	.....	.....	3	20	634	634
Miscellaneous.....	233	45	42	236	77	.....	.....	77	.....	190	194
Department of Justice.....	3,124	692	476	3,340	272	12	7	277	.....	862	1,409
Department of Agriculture.....	1,908	407	310	2,005	246	135	93	288	34	3,943	3,946
Department of Commerce ¹.....	.....	82	65	17	20	8	4	24	315	2,758	2,768
Department of Labor ²	623	154	78	699	88	84	8	114	10	22	22
Interstate Commerce Commission.....	174	133	88	219	3	2	1	4	18	831	841
Civil Service Commission.....	451	110	113	448	3	2	1	4	5	224	229
Smithsonian Institution and bureaus.....	129	18	32	115	1	.....	.....	289	.....	751	751
State, War, and Navy Department Building.....	136	46	49	133	14	2	1	15	.....	104	226
Isthmian Canal Commission.....	3,647	393	401	3,639	5	.....	.....	13	.....	161	161
Government Printing Office.....	.....	.....	.....	.....	.....	.....	.....	387	1	4,081	4,082
Total.....	27,810	4,272	3,714	28,308	983	243	137	1,099	3,067	32,504	33,464

¹These figures are furnished by the Post Office Department and does not include the number of employees in the Washington, D. C. post office. The numbers in the columns headed "Additions by appointments, etc.," indicate net gains of appointments over separations.

²Presidential appointments under the heading "Miscellaneous, Interior" consist of the recorder of deeds, register of wills, inspector of gas and meters and Superintendent of Capitol Building and Grounds. Under "Presidential, Justice," in Washington, are 16 department officers, 30 commissioners of deeds, 800 notaries, and 16 trustees of reform school.

³It has not been found practicable to separate the employees in the Department of Labor from those in the Department of Commerce.

TABLE 10.—Positions by status on July 1, 1913, additions by appointments, etc., and subtractions by separations, etc., during the fiscal year, and positions on June 30, 1914.—Continued.

	Classified competitive positions.				Excepted and noncompetitive positions.				Unclassified positions.				Total June 30, 1914.		
	July 1, 1913.	Additions.	Subtractions.	June 30, 1914.	July 1, 1913.	Additions.	Subtractions.	June 30, 1914.	July 1, 1913.	Additions.	Subtractions.	June 30, 1914.	Presidential.	All others.	Total.
OUTSIDE WASHINGTON, D. C.															
Treasury Department:															
Assistant custodian and janitor service and contingent force on public buildings.....															
	2,096	626	496	2,226	48	2	.....	50	2,457	666	527	2,596	.....	4,872	4,872
Mint and assay service.....	668	49	50	667	32	2	4	30	133	3	7	129	26	826	826
Subtreasury service.....	381	86	49	418	1,240	653	.....	1,196	131	23	24	130	133	3,135	428
Public Health Service.....	1,609	1,135	985	1,809	2,264	1	.....	.....	705	19	113	611	112	2,267	3,263
Life-Saving Service.....	2,268	1,147	1,151	2,264	285	104	147	242	705	19	113	611	112	6,967	7,079
Customs Service.....	6,425	589	900	6,114	333	1,138	339	1,442	6	.....	.....	6	.....	4,190	4,267
Internal-Revenue Service.....	3,523	633	1,114	3,042	260	.....	.....	250	.....	.....	.....	.....	.....	4,482	4,674
Miscellaneous.....	176	.....	.....	176	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
War Department:															
Quartermaster Corps.....	4,415	1,753	1,476	4,692	1,178	8	8	1,178	2,692	237	280	2,649	.....	8,519	8,519
Ordnance department at large.....	3,027	4,071	2,638	4,462	689	1	1	89	1,181	1,439	1,942	1,278	.....	5,529	5,529
Engineer department at large.....	7,516	4,909	3,855	8,370	639	179	69	749	6,087	6,087	.....	6,087	.....	15,206	15,206
Miscellaneous.....	961	197	207	951	648	46	18	676	721	124	128	722	.....	2,349	2,349
Navy Department:															
Exclusive of trades and labor positions.....	2,908	620	568	2,940	2	7	4	5	4,000	1,732	1,732	4,000	.....	2,966	2,966
Trades and labor positions.....	16,000	6,927	6,927	16,000	.....	.....	.....	.....	.....	.....	.....	.....	.....	20,000	20,000
Post Office Department.....	535	.....	44	491	.....	.....	.....	.....	.....	1	1	.....	.....	491	491
Post offices, except fourth-class postmasters.....	69,028	3,972	.....	73,000	96,218	266	.....	96,484	1,264	97	.....	1,351	8,660	172,835	181,435
Fourth-class postmasters.....	49,598	.....	1,096	48,502	.....	.....	.....	.....	.....	.....	.....	.....	.....	48,502	48,502
Rural carrier service.....	42,685	968	.....	43,653	1	.....	.....	1	.....	.....	.....	.....	.....	43,654	43,654
Railway Mail Service.....	19,620	3,069	.....	22,679	122	.....	122	.....	7	.....	7	.....	.....	22,679	22,679
Department of the Interior:															
Land service.....	1,090	221	254	1,087	49	7	32	24	14	2	.....	16	223	1,097	1,320
Pension Agency service.....	767	.....	767	2,083	4,612	29	.....	4,641	13	.....	13	.....	.....	4,641	4,641
Indian Service.....	2,452	1,648	1,617	2,483	4,132	1,470	1,322	457	813	437	457	793	33	7,586	7,586
Reclamation Service.....	2,158	2,113	1,545	2,726	5	.....	.....	5	.....	.....	.....	.....	.....	2,736	2,736
Miscellaneous.....	509	419	360	568	142	177	90	229	16	17	33	1	8	798	806
Department of Justice.....	692	135	105	722	1,481	300	254	1,527	564	6	375	601	.....	2,265	2,427
Department of Agriculture.....	7,286	1,788	1,349	7,725	3,911	3,695	3,019	4,587	.....	.....	.....	.....	.....	12,913	12,913
Department of Commerce.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Lighthouse Service.....	2,992	388	389	3,011	2,395	41	36	2,400	1,194	.....	.....	1,194	.....	6,005	6,005
Immigration Service.....	1,386	204	170	1,420	240	41	38	243	1,175	32	19	1,188	7	1,851	1,851

Steamboat-Inspection Service.....	305	16	15	208	6	556	6	1,624	22	18	1,628	10	312	322
Miscellaneous.....	511	104	76	542	658	581	683	1,624	22	18	1,628	10	2,853	2,863
Interstate Commerce Commission.....	36	395	67	576	8	18	22	1,624	22	18	1,628	10	396	398
Civil Service Commission.....	37	315	7	39	116	40	127	1,624	22	18	1,628	10	399	400
Isthmian Canal Service.....	1,116	186	361	941	116	40	127	1,624	22	18	1,628	10	1,088	1,088
Total outside.....	254,787	38,311	29,006	264,092	120,841	8,761	6,735	122,867	23,808	5,263	5,070	24,001	9,692	410,960
Grand total of table.....	282,597	42,583	32,720	292,460	121,804	9,004	6,872	123,836	26,744	5,697	5,373	27,068	10,652	443,464
Isthmian Canal service, unclassified and excepted working force, on June 30, 1914 ⁸														454,116
Grand total.....														28,605
														482,721

¹ The Presidential appointments under "Miscellaneous, Treasury," are revenue-cutter officers.
² The total number of positions is estimated at 20,000, of which about one-fifth are those of mere unskilled laborers. The number appointed was 8,659, and the figures are based on these data.
³ These positions are in the post-office inspection service, stamped-envelope agency at Dayton, Ohio, and the official-envelope agency at Cincinnati, Ohio. All figures pertaining to the post-office service are furnished by the department.
⁴ The 8,650 positions in the Presidential column are those of postmasters.
⁵ Although the pension agency service was not in existence on July 1, 1913, it was not abolished until the latter part of the fiscal year ended June 30, 1913. The 4,641 excepted employees were pension examining surgeons.
⁶ It has not been found practicable to separate the employees of the Department of Labor from those under the Department of Commerce.
⁷ Includes field employees of the Bureaus of Census, Fisheries, Manufactures, Navigation, Standards, and Coast and Geodetic Survey.
⁸ Only changes in the force of canal employees subject to examination are included in the body of this table. On June 30, 1914, the total force on the Isthmus was 29,673, of which number 1,068 is carried in the table as classified and excepted, leaving an unclassified working force of 28,605.

TABLE 11.—*Showing, for all branches of the classified service, the number examined, the number that passed, the per cent that passed, the number appointed, the per cent appointed of those that passed, and the approximate number of competitive classified positions in the service during the several periods covered by the reports of the commission.*

Branch of service and period covered.	Approximate number of classified competitive positions.	Examined.	Passed.	Per cent that passed.	Appointed.	Per cent appointed of those that passed.
POST-OFFICE SERVICE.¹						
July 16, 1883, to Jan. 15, 1884.....	5,690	1,941	1,119	57.7	372	33.2
Jan. 16, 1884, to Jan. 15, 1885.....	7,500	3,233	2,262	70.0	1,249	55.2
Jan. 16, 1885, to Jan. 15, 1886.....	9,000	4,113	2,963	71.8	1,473	49.9
Jan. 16, 1886, to June 30, 1887.....	10,500	7,467	5,222	69.9	3,254	62.3
July 1, 1887, to June 30, 1888.....	11,767	6,103	3,632	59.5	1,924	53.0
July 1, 1888, to June 30, 1889.....	12,966	10,702	6,615	61.8	2,938	44.4
July 1, 1889, to June 30, 1890.....	13,097	11,193	6,904	61.7	2,850	41.2
July 1, 1890, to June 30, 1891.....	14,909	8,538	5,840	68.4	2,861	48.9
July 1, 1891, to June 30, 1892.....	17,500	9,162	5,551	60.6	2,113	38.2
July 1, 1892, to June 30, 1893.....	23,058	15,875	8,474	53.3	2,506	29.6
July 1, 1893, to June 30, 1894.....	24,000	25,777	14,343	55.7	3,154	19.7
July 1, 1894, to June 30, 1895.....	25,000	19,438	12,802	65.9	3,348	26.2
July 1, 1895, to June 30, 1896.....	26,316	14,433	10,374	71.9	3,148	30.3
July 1, 1896, to June 30, 1897.....	28,000	20,226	10,934	54.1	1,570	14.4
July 1, 1897, to June 30, 1898.....	31,000	14,891	9,161	61.5	2,758	30.1
July 1, 1898, to June 30, 1899.....	35,650	10,509	6,852	65.2	2,584	37.7
July 1, 1899, to June 30, 1900.....	37,000	16,584	11,447	69.0	3,931	34.3
July 1, 1900, to June 30, 1901.....	40,000	20,901	12,749	61.0	4,293	33.6
July 1, 1901, to June 30, 1902.....	40,114	30,605	18,858	61.6	6,328	33.5
July 1, 1902, to June 30, 1903.....	59,015	46,565	35,220	75.6	16,159	45.8
July 1, 1903, to June 30, 1904.....	71,098	52,771	39,961	75.7	21,022	52.6
July 1, 1904, to June 30, 1905.....	81,596	52,550	41,978	79.9	16,297	38.8
July 1, 1905, to June 30, 1906.....	89,202	48,302	37,918	78.5	17,121	45.1
July 1, 1906, to June 30, 1907.....	95,926	51,025	37,771	74.0	16,456	43.5
July 1, 1907, to June 30, 1908.....	102,127	52,363	37,850	72.3	12,169	32.2
July 1, 1908, to June 30, 1909.....	122,711	57,568	45,468	79.0	11,441	25.2
July 1, 1909, to June 30, 1910.....	126,131	37,253	30,170	81.0	11,812	39.2
July 1, 1910, to June 30, 1911.....	127,228	42,750	34,149	79.9	9,328	27.3
July 1, 1911, to June 30, 1912.....	115,905	40,256	26,133	64.9	8,706	33.3
July 1, 1912, to June 30, 1913.....	161,346	59,181	39,810	67.3	14,905	37.4
July 1, 1913, to June 30, 1914.....	.....	103,645	.....	.....	19,606	.....
Total.....	.....	895,920	.....	.....	227,675	.....
RAILWAY MAIL SERVICE.						
May 1, 1889, to June 30, 1889.....	5,448	2,236	1,802	80.6	125	6.9
July 1, 1889, to June 30, 1890.....	5,836	4,463	3,129	70.2	1,400	44.7
July 1, 1890, to June 30, 1891.....	6,032	3,706	2,588	69.8	1,062	41.0
July 1, 1891, to June 30, 1892.....	6,417	4,597	2,949	64.2	1,199	40.6
July 1, 1892, to June 30, 1893.....	6,645	3,555	2,316	65.2	993	42.9
July 1, 1893, to June 30, 1894.....	6,852	4,267	3,120	73.3	718	23.0
July 1, 1894, to June 30, 1895.....	7,045	4,641	3,107	67.0	643	20.7
July 1, 1895, to June 30, 1896.....	7,408	5,113	3,127	61.2	655	21.9
July 1, 1896, to June 30, 1897.....	7,573	6,431	4,710	73.2	381	8.1
July 1, 1897, to June 30, 1898.....	7,999	4,799	3,828	79.8	698	18.2
July 1, 1898, to June 30, 1899.....	8,388	5,220	4,319	82.7	774	17.9
July 1, 1899, to June 30, 1900.....	8,696	4,488	3,844	85.7	736	19.1
July 1, 1900, to June 30, 1901.....	8,975	4,359	3,593	82.4	816	22.7
July 1, 1901, to June 30, 1902.....	9,000	377	258	68.4	1,017	(²)
July 1, 1902, to June 30, 1903.....	10,355	3,441	2,696	78.1	1,784	66.4
July 1, 1903, to June 30, 1904.....	11,301	6,388	4,115	64.4	1,678	40.7
July 1, 1904, to June 30, 1905.....	12,171	6,972	4,218	60.5	1,558	36.9
July 1, 1905, to June 30, 1906.....	13,456	6,620	4,481	67.7	2,173	48.4
July 1, 1906, to June 30, 1907.....	14,212	6,566	4,085	62.2	2,051	50.2
July 1, 1907, to June 30, 1908.....	15,230	9,674	5,999	62.0	1,607	26.8
July 1, 1908, to June 30, 1909.....	15,967	15,724	11,336	72.1	1,392	12.3
July 1, 1909, to June 30, 1910.....	16,956	52	39	75.0	2,271	(³)
July 1, 1910, to June 30, 1911.....	17,428	8,972	6,760	75.3	1,982	29.3
July 1, 1911, to June 30, 1912.....	18,287	11,273	3,036	26.9	770	25.4
July 1, 1912, to June 30, 1913.....	19,620	18,340	9,616	52.4	1,270	13.2
July 1, 1913, to June 30, 1914.....	.....	27,598	.....	.....	2,941	.....
Total.....	.....	179,872	.....	.....	32,684	.....

¹ Includes clerks and carriers at classified post offices, rural carriers, and fourth-class postmasters.² On account of the abundance of eligibles remaining from the previous year, but few examinations were held; percentage upon the basis of these figures would therefore be deceptive.³ Residents of several States were considered provisionally eligible at 60 per cent.

TABLE 11.—*Showing, for all branches of the classified service, the number examined, the number that passed, the per cent that passed, the number appointed, the per cent appointed of those that passed, and the approximate number of competitive classified positions in the service during the several periods covered by the reports of the commission—Contd.*

Branch of service and period covered.	Approximate number of classified competitive positions.	Examined.	Passed.	Per cent that passed.	Appointed.	Per cent appointed of those that passed.
OTHER FIELD SERVICES.						
July 16, 1883, to Jan. 15, 1884	2,573	817	466	57.0	69	14.8
Jan. 16, 1884, to Jan. 15, 1885	2,573	838	541	64.6	119	22.0
Jan. 16, 1885, to Jan. 15, 1886	2,573	1,735	1,043	60.1	169	16.2
Jan. 16, 1886, to June 30, 1887	2,773	4,058	2,647	62.8	641	25.2
July 1, 1887, to June 30, 1888	2,598	2,279	1,500	60.6	340	22.7
July 1, 1888, to June 30, 1889	2,800	2,425	1,379	56.8	331	24.0
July 1, 1889, to June 30, 1890	3,257	3,587	1,797	50.1	375	20.8
July 1, 1890, to June 30, 1891	3,372	1,579	992	62.8	320	32.3
July 1, 1891, to June 30, 1892	4,046	1,782	1,056	59.2	171	16.2
July 1, 1892, to June 30, 1893	4,164	2,962	1,554	52.5	428	21.1
July 1, 1893, to June 30, 1894	4,365	3,803	2,302	60.6	446	19.4
July 1, 1894, to June 30, 1895	4,496	3,726	2,059	55.2	393	19.1
July 1, 1895, to June 30, 1896	9,614	6,688	4,116	61.5	664	16.1
July 1, 1896, to June 30, 1897	9,997	11,155	6,427	57.6	279	4.3
July 1, 1897, to June 30, 1898	9,991	8,152	4,965	60.9	643	12.9
July 1, 1898, to June 30, 1899	8,790	7,523	5,344	71.0	737	13.8
July 1, 1899, to June 30, 1900	8,881	6,016	4,727	78.6	570	12.1
July 1, 1900, to June 30, 1901	8,930	4,151	3,224	77.6	778	24.1
July 1, 1901, to June 30, 1902	9,151	8,003	5,917	73.9	835	14.1
July 1, 1902, to June 30, 1903	8,451	7,603	5,650	74.3	910	16.1
July 1, 1903, to June 30, 1904	8,841	8,855	6,063	68.5	892	14.7
July 1, 1904, to June 30, 1905	9,375	9,942	7,628	76.7	902	11.8
July 1, 1905, to June 30, 1906	9,589	10,141	7,991	78.8	1,985	12.3
July 1, 1906, to June 30, 1907	11,261	6,620	4,477	67.6	1,330	29.7
July 1, 1907, to June 30, 1908	11,465	11,508	8,214	71.4	1,669	23.3
July 1, 1908, to June 30, 1909	12,102	10,926	7,329	67.1	1,458	19.9
July 1, 1909, to June 30, 1910	12,311	7,744	5,331	70.1	1,459	27.3
July 1, 1910, to June 30, 1911 ¹	55,938	34,550	20,159	58.3	10,064	50.1
July 1, 1911, to June 30, 1912	55,841	38,651	22,594	58.5	9,231	40.9
July 1, 1912, to June 30, 1913 ²	73,321	50,369	37,987	75.3	16,844	44.4
July 1, 1913, to June 30, 1914	70,755	70,755			17,090	
Total		349,143			71,142	
DEPARTMENTAL SERVICE.¹						
July 16, 1883, to Jan. 15, 1884	5,517	784	459	58.5	48	10.5
Jan. 16, 1884, to Jan. 15, 1885	5,517	2,276	1,338	58.8	432	32.3
Jan. 16, 1885, to Jan. 15, 1886	5,700	1,754	1,038	59.2	239	23.0
Jan. 16, 1886, to Jan. 15, 1887	6,000	2,304	1,583	68.7	392	24.7
Jan. 16, 1887, to June 30, 1887	6,272	2,023	1,394	68.9	155	11.1
July 1, 1887, to June 30, 1888	8,212	2,689	1,736	64.3	352	20.2
July 1, 1888, to June 30, 1889	8,436	3,697	2,182	59.0	387	17.7
July 1, 1889, to June 30, 1890	8,436	3,751	2,117	56.5	567	26.3
July 1, 1890, to June 30, 1891	9,580	5,251	3,366	64.1	1,152	34.2
July 1, 1891, to June 30, 1892	9,580	3,919	2,604	66.6	478	18.3
July 1, 1892, to June 30, 1893	10,048	2,446	1,664	68.4	365	21.8
July 1, 1893, to June 30, 1894	10,604	3,532	2,366	67.0	386	16.2
July 1, 1894, to June 30, 1895	11,776	3,231	1,943	57.4	409	22.8
July 1, 1895, to June 30, 1896	43,706	4,945	3,097	62.6	619	20.0
July 1, 1896, to June 30, 1897	40,316	12,759	7,403	58.0	817	11.0
July 1, 1897, to June 30, 1898	40,316	17,870	12,646	70.8	3,771	29.8
July 1, 1898, to June 30, 1899	40,316	25,912	10,797	79.2	5,462	27.6
July 1, 1899, to June 30, 1900	40,316	19,514	14,947	75.6	4,652	31.2
July 1, 1900, to June 30, 1901	48,300	18,682	13,955	74.7	4,404	31.5
July 1, 1901, to June 30, 1902	49,725	21,573	15,476	71.7	5,118	33.0
July 1, 1902, to June 30, 1903	57,857	52,220	44,427	85.1	21,417	48.2
July 1, 1903, to June 30, 1904	62,853	59,832	49,939	83.5	25,317	50.7
July 1, 1904, to June 30, 1905	68,665	73,589	57,917	78.7	20,239	34.9
July 1, 1905, to June 30, 1906	71,931	52,214	40,955	78.4	18,771	45.8

¹ The civil-service rules prior to April, 1903, defined the Departmental Service to include all classified positions except those in the Post Office, Customhouse, Internal Revenue, and Government Printing Services. The majority of such positions is found in the field, not in the departments at Washington, but former reports have shown them as "Departmental," following the civil-service rule referred to. In this report an effort has been made to limit "Departmental" to its original meaning, showing field-service examinations under a separate heading, hence the apparent great discrepancy in the "Departmental" figures as compared with those of previous reports.

² The large increase in field-service figures for 1913 is due to the inclusions of navy-yard artisans' positions to the number of about 16,000 in the competitive classified service.

TABLE 11.—*Showing, for all branches of the classified service, the number examined, the number that passed, the per cent that passed, the number appointed, the per cent appointed of those that passed, and the approximate number of competitive classified positions in the service during the several periods covered by the reports of the commission—Contd.*

Branch of service and period covered.	Approximate number of classified competitive positions.	Examined.	Passed.	Per cent that passed.	Appointed.	Per cent appointed of those that passed.
DEPARTMENTAL SERVICE—continued.						
July 1, 1906, to June 30, 1907.....	72,936	65,106	47,587	73.1	23,166	69.7
July 1, 1907, to June 30, 1908.....	77,816	88,248	68,697	77.8	26,708	38.9
July 1, 1908, to June 30, 1909.....	84,166	74,266	59,316	79.9	26,652	44.9
July 1, 1909, to June 30, 1910.....	66,890	70,595	52,229	74.0	28,043	53.5
July 1, 1910, to June 30, 1911.....	27,063	18,752	9,091	48.5	1,882	20.7
July 1, 1911, to June 30, 1912.....	27,349	15,898	7,488	47.1	2,262	30.2
July 1, 1912, to June 30, 1913.....	27,810	14,015	6,977	49.8	2,135	30.6
July 1, 1913, to June 30, 1914.....		13,924			2,298	
Total.....		757,581			229,085	
SUMMARY.						
July 16, 1883, to Jan. 15, 1884.....	13,780	3,542	2,044	57.7	489	23.9
Jan. 16, 1884, to Jan. 15, 1885.....	15,590	6,347	4,141	65.2	1,800	43.5
Jan. 16, 1885, to Jan. 15, 1886.....	17,273	7,602	5,034	66.2	1,881	37.4
Jan. 16, 1886, to June 30, 1887.....	19,345	15,852	10,746	67.8	4,442	41.3
July 1, 1887, to June 30, 1888.....	22,577	11,281	6,868	60.9	2,616	38.0
July 1, 1888, to June 30, 1889.....	29,650	19,060	11,978	62.8	3,781	31.6
July 1, 1889, to June 30, 1890.....	30,626	22,994	13,947	60.7	5,182	37.2
July 1, 1890, to June 30, 1891.....	33,873	19,074	12,786	67.0	5,395	42.0
July 1, 1891, to June 30, 1892.....	37,623	19,460	12,160	62.5	3,961	32.5
July 1, 1892, to June 30, 1893.....	43,915	24,838	14,008	56.5	4,291	30.6
July 1, 1893, to June 30, 1894.....	45,821	37,379	22,131	59.2	4,704	19.8
July 1, 1894, to June 30, 1895.....	54,222	31,036	19,811	63.9	4,793	24.2
July 1, 1895, to June 30, 1896.....	87,044	31,179	20,714	66.4	5,086	24.6
July 1, 1896, to June 30, 1897.....	85,886	50,571	29,474	58.3	3,047	10.3
July 1, 1897, to June 30, 1898.....	89,306	45,712	30,600	66.9	7,870	25.7
July 1, 1898, to June 30, 1899.....	93,144	49,164	36,312	74.0	9,557	26.3
July 1, 1899, to June 30, 1900.....	94,893	46,602	34,965	75.0	9,889	28.3
July 1, 1900, to June 30, 1901.....	106,205	48,093	33,521	69.7	10,291	30.7
July 1, 1901, to June 30, 1902.....	107,990	60,558	40,509	66.9	13,298	32.8
July 1, 1902, to June 30, 1903.....	135,453	109,829	87,983	80.1	40,270	45.7
July 1, 1903, to June 30, 1904.....	154,093	127,846	100,078	78.3	48,909	48.8
July 1, 1904, to June 30, 1905.....	171,807	143,053	111,741	78.1	38,996	35.0
July 1, 1905, to June 30, 1906.....	184,178	117,277	91,345	77.9	39,050	42.7
July 1, 1906, to June 30, 1907.....	194,332	129,317	93,920	72.6	43,003	45.8
July 1, 1907, to June 30, 1908.....	206,637	161,793	120,760	74.6	42,153	34.9
July 1, 1908, to June 30, 1909.....	234,940	158,484	123,449	77.9	40,943	33.2
July 1, 1909, to June 30, 1910.....	222,278	115,644	87,769	75.9	43,585	49.7
July 1, 1910, to June 30, 1911.....	227,657	106,024	70,159	66.8	23,256	33.2
July 1, 1911, to June 30, 1912.....	217,392	106,078	59,251	55.9	20,969	35.4
July 1, 1912, to June 30, 1913.....	282,597	141,905	94,350	66.5	35,154	37.3
July 1, 1913, to June 30, 1914.....		215,922			² 41,935	
Total.....		2,182,516			560,596	

¹ The civil-service rules prior to April, 1903, defined the departmental service to include all classified positions except those in the Post Office, Customhouse, Internal Revenue, and Government Printing Services. The majority of such positions is found in the field, not in the departments at Washington, but former reports have shown them as "Departmental" following the civil-service rule referred to. In this report an effort has been made to limit "Departmental" to its original meaning, showing field-service examinations under a separate heading, hence the apparent great discrepancy in the "Departmental" figures as compared with those of previous reports.

² 11,635 fourth-class postmasters, appointed under the Executive order of May 7, 1913, requiring examinations at offices whose incumbents had not been appointed under the regulations, are not included in the table.

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